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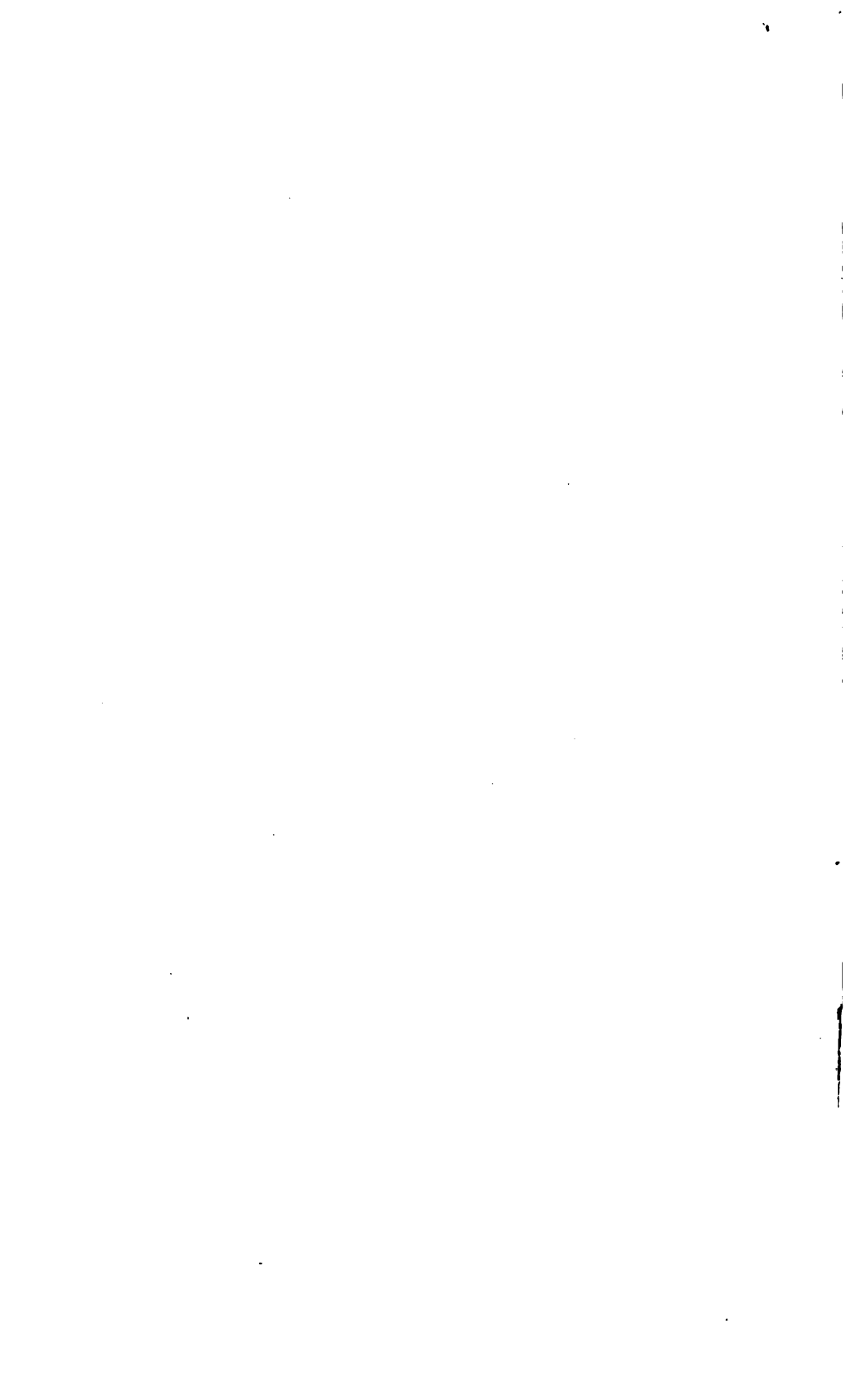
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HEARINGS

BEFORE THE

*U. S. Congress, House*

COMMITTEE ON EDUCATION

HOUSE OF REPRESENTATIVES

SIXTY-FOURTH CONGRESS

FIRST SESSION

ON

H. R. 456

A BILL TO CREATE A NEW DIVISION OF THE BUREAU OF EDUCATION, TO BE KNOWN AS THE FEDERAL MOTION PICTURE COMMISSION, AND DEFINING ITS POWERS AND DUTIES

JANUARY 13, 14, 15, 17, 18, AND 19, 1916



**COMMITTEE ON EDUCATION.**

**HOUSE OF REPRESENTATIVES.**

**SIXTY-FOURTH CONGRESS.**

**DUDLEY M. HUGHES, Georgia, *Chairman.***

**WILLIAM W. RUCKER, Missouri.**

**ROBERT L. DOUGHTON, North Carolina.**

**JOHN W. ABERCROMBIE, Alabama.**

**CLAUDIUS U. STONE, Illinois.**

**JOHN A. KEY, Ohio.**

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**BENJAMIN C. HILLIARD, Colorado.**

**CALEB POWERS, Kentucky.**

**HORACE M. TOWNER, Iowa.**

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**SIMEON D. FESS, Ohio.**

**FREDERICK W. DALLINGER, Massachusetts.**

**S. TAYLOR NORTH, Pennsylvania.**

**B. M. MCCracken, Idaho.**

**JAMES L. FORT, *Clerk.***

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## FEDERAL MOTION PICTURE COMMISSION.

COMMITTEE ON EDUCATION,  
HOUSE OF REPRESENTATIVES,  
*Thursday, January 13, 1916.*

The committee met at 8 o'clock p. m., Hon. Dudley M. Hughes (chairman) presiding.

The CHAIRMAN. The committee will come to order. The time has arrived for the opening of these hearings, and I wish to say for the information of all concerned that the committee has granted six evenings for the hearings on this bill, three for and three against; and on each evening we will be in session two and one-half hours. The plan suggested by the committee is that the time will be equally divided pro and con, and I so notified Mr. Binder, the executive secretary of the Motion Picture Board of Trade, and he notified those interested in opposition to the bill. I also advised Dr. Crafts, superintendent of the International Reform Bureau, of the same. I presume that the time will be controlled by Dr. Crafts and Mr. Binder, and those who wish time to discuss this matter will arrange with those two gentlemen. Under the custom, the first speaker of the evening is for the affirmative, and will be Dr. Crafts.

Mr. FESS. Mr. Chairman, before Dr. Crafts begins, may it be understood that we will not sit here later than 10 o'clock?

The CHAIRMAN. 10.30. I will state to all concerned that we will close this meeting at 10.30. Dr. Crafts will proceed first. I believe we all know Dr. Crafts, but we would like for each gentleman who address the committee to state his occupation, place of residence, etc. I will also further state that there are seven days granted for the purpose of filing briefs upon this question. We think that gives complete and full opportunity to all.

Mr. POWERS, of Kentucky. Do the seven days run from the time the hearings begin or from the time they end?

The CHAIRMAN. From the end of the hearings.

Dr. Crafts will proceed.

### STATEMENT OF DR. WILBUR F. CRAFTS, OF WASHINGTON, D. C., SUPERINTENDENT OF THE INTERNATIONAL REFORM BUREAU.

Dr. CRAFTS. I represent the advocates of the Smith-Hughes bill, which provides for the establishment of a new department in the Bureau of Education, to be called the Motion Picture Commission, for the regulation of the great motion-picture interest, just as the railroad interest is regulated by the Interstate Commerce Commission, which suggested the establishment of this proposed similar commission.

I appear not only on behalf of the International Reform Bureau, of which I am superintendent, but also the Society for the Prevention of Crime, whose vice president, Canon Wm. Sheafe Chase, cooperated with me in the initiation of this movement, and also the religious, reformatory, and welfare societies of the country generally. I have here the numerous petitions that have already come to this committee for this bill, and I have examined to-day the petitions on the other side. I find no petitions against this bill except from those who are financially interested in the motion-picture business. All the church and welfare societies that have petitioned, so far as the committee files show, have petitioned for the bill.

The first thing which I wish to say as the spokesman of these welfare forces is that we desire to have it put on record that we have not asked for these hearings. We believe that the House Committee on Education was more than generous, almost more than just, in the large amount of time they allowed in the last Congress for hearing every argument which anyone on either side had to present. These full hearings were printed in two volumes of unusually large size for such hearings, and they are in the possession of every member of this committee as a printed brief that covers the subject thoroughly. There was no occasion for any further hearings. The demand for additional hearings came in the telegrams which lie here, sent by those who are financially interested in the motion-picture business and who thought their craft in danger, in which belief we think they are mistaken.

We believe that a committee which has in charge the educational interests of twenty millions of children and youth in our public schools, and probably five millions more in other institutions of learning, so guarding the welfare of one-fourth of the total population of the country, ought not to be kept here for six nights, for two hours and a half each night, and then expected to read briefs for another week on a subject which was fully considered and unanimously adjudicated by this committee as constituted in the last Congress. We should consider it a discourtesy to this committee to repeat here the arguments which were given before the committee in the last Congress, and are in its hands in printed form, unless a repetition of arguments previously presented on the other side compels us also to repeat some things in rebuttal.

I shall confine myself in this opening statement at least to new matter, and I hope the other side will consider the committee and the citizens who are here giving their service for the public welfare to the extent that they will not take all the time allowed unless it is necessary to present pertinent new matter, remembering that each Congressman on this committee has other pressing duties not only on this committee but on other committees also, and on the floor of Congress and in his office.

We will present in less than one-half of this one evening all that we consider both new and necessary on the affirmative side of this hearing.

PREVIOUS UNANIMOUS INDORSEMENT OF BILL BY HOUSE EDUCATION  
COMMITTEE.

As the first and best new argument for this bill, more recent than former hearings, I will read the unanimous report, made after the

full hearings referred to, by this committee as constituted in the last Congress in favor of a bill exactly the same as that before us, except its number.

I do not know of anything that can be presented in these six nights and the seven days following that is so pertinent and convincing as this *res adjudicata* record with reference to this subject in the last Congress. It is rather a remarkable thing to have a bill of this kind unanimously reported—Republicans and Democrats as one in the report (63d Cong., 3d sess., H. Rept. 1411), which reads as follows:

The Committee on Education, to whom was referred H. R. 14895 [New number in this Congress is H. R. 456], have considered the same and submit the following report, with the unanimous recommendation of the committee that the bill do pass:

The necessity for censorship of motion pictures is beyond question. It has been acknowledged by a large majority of the film manufacturers by their voluntary submission of their films to unofficial boards of censors for approval. That the public demands this censorship is demonstrated by the scrupulous regularity with which the producers exhibit such approval at the end of each picture.

With the acknowledgment of the need of censorship both by the motion-picture interests and the public they serve, the question arises as to what shall be the censorship and who shall do the censoring. "The national board of censorship" at New York City is composed of representatives of various moral and civic organizations. The expenses of this board are paid by some of the leading motion-picture interests, and it has no legal authority. At the request of the manufacturers this board passes upon the pictures. The actual work is largely done by paid secretaries as representatives of the board, working under standards approved by the board. It is estimated that from 85 to 95 per cent of all pictures produced in this country are passed upon by this unofficial board.

In addition to this voluntary board there are numerous official censors, both State and municipal. The establishment of such large numbers of these local boards clearly demonstrates the inadequacy of the so-called "national board of censorship," which by its very unofficial character can not exercise effective censorship. Though it were to exercise a careful and intelligent censorship over 95 per cent of all pictures, still there would remain 5 per cent which could be immoral and unfit to be shown. It is only fair to assume that those pictures which are most objectionable will not voluntarily be submitted for censorship. An unofficial board which has not the right to examine 100 per cent of the pictures is in reality not a board of censorship, but a board of recommendation and approval. As a matter of fact, evidence before the committee discloses that a very considerable percentage of the pictures approved by the unofficial board are declared by the local boards unfit for exhibition.

The character of the motion-picture industry renders State and municipal censorship inadequate. Motion-picture films are essentially articles of interstate commerce. They are not manufactured for use in any one State or municipality, but practically every picture is exhibited in all of the States of the Union, and many are exported. Innumerable inspections by local boards work great hardships on the industry. In the absence of any official Federal censorship the States and cities are finding it necessary to establish these local boards to prevent the exhibition of immoral, indecent, and obscene pictures. The only adequate method of censoring motion pictures is to be had in a Federal commission.

The bill which this report accompanies provides for the appointment by the President of five commissioners, and a supplementary force of advisory commissioners and deputy commissioners to be appointed by the commission. The commission is required to license all films intended for interstate commerce or which are to be offered for copyright "unless it finds that such film is obscene, indecent, immoral, inhuman, or depicts a bull fight or a prize fight, or is of such a character that its exhibition would tend to impair the health or corrupt the morals of children or adults or incite to crime."

It is further provided that a film not having been licensed by the commission shall not be transported in interstate commerce and shall not be granted

a copyright. The exhibition of unlicensed pictures at places of amusement for pay in the District of Columbia, or in any of the Territories of the United States, or any place under the jurisdiction of the United States, is prohibited. The penalty for a violation of this act is a fine of not more than \$500 or imprisonment not more than one year, or both, and the confiscation of the films used illegally.

It is provided that a fee be charged for the licenses to defray the expenses of the commission.

The text of the bill follows:

*Be it enacted, etc.,* That a Federal motion picture commission be, and the same is hereby, created, to be composed of five commissioners appointed by the President, one of whom shall be designated as chairman. The commission shall be a division of the Bureau of Education in the Department of the Interior.

SEC. 2. That each commissioner shall hold office for six years, except that when the commission is first constituted two commissioners shall be appointed for two years, two for four years, and one for six years. Each commissioner shall thereafter be appointed for a full term of six years, except that any person appointed to fill a vacancy shall be appointed only for the unexpired term of the member whom he shall succeed. The salary of the chairman shall be \$4,000 a year and of each other commissioner \$3,500 a year.

SEC. 3. That the commission may appoint advisory commissioners to advise and assist in the examination and censoring of films, who shall hold office during the pleasure of the commission and serve without compensation. No person shall be appointed an advisory commissioner who, directly or indirectly, has any pecuniary interest in the exhibition of motion pictures or in any film exchange or firm or corporation engaged in manufacturing motion-picture films.

SEC. 4. That the commission may appoint deputy commissioners and other assistants and fix the compensation of each. Actual and necessary traveling expenses shall be allowed to those who travel on the business of the commission. The commission shall be provided with necessary office furniture, stationery, supplies, projecting machines, and appliances necessary for inspection of films and for manufacture of film seals: *Provided, however,* That the entire cost of the commission, including salaries and all other expenses, except the cost of manufacturing seals, which is otherwise provided for, shall not exceed \$40,000 a year.

SEC. 5. That the commission shall license every film submitted to it and intended for entrance into interstate commerce, unless it finds that such film is obscene, indecent, immoral, inhuman, or depicts a bull fight or a prize fight, or is of such a character that its exhibition would tend to impair the health or corrupt the morals of children or adults or incite to crime. The commission may license any film, subject to such excisions, amplifications, or alterations as the commission may direct and require to be made. The commission may, by unanimous vote, withdraw any license at any time for cause shown.

SEC. 6. That the commission shall adopt an appropriate seal, which shall be affixed, in such manner as the commission may direct, to every film approved by it. Such seal shall not be attached to any film which has been approved by the commission subject to revision until after the required changes have been made; a record of which shall be kept, and portions objected to shall be delivered into the possession of the commission.

SEC. 7. That when any film has been approved the commission shall issue a certificate in the form adopted by the commission. These certificates shall describe the film and shall bear a serial number and shall state its title, the day upon which it was approved by the commission, and the number of linear feet contained therein.

SEC. 8. That the commission may, if it has licensed a film, issue a seal and certificate for each duplicate thereof without an examination of such duplicate, upon the payment of the license fee hereinafter provided.

SEC. 9. That no copyright shall be issued for any film which has not previously received the certificate and seal of this commission.

SEC. 10. That no person, firm, or corporation shall carry or transport any film from one State into another State of the United States, or from any foreign country into any State of the United States, unless such film has been licensed by the commission and a true copy of the certificate accompanies it: *Provided,* That this section shall not apply to films consigned to this commission.

Sec. 11. That no motion-picture film which has not been licensed by the commission and which does not bear its seal and is not accompanied by its certificate shall be exhibited in any licensed place of amusement for pay or in connection with any business in the District of Columbia, or in any of the Territories of the United States, or any place under the jurisdiction of the United States.

Sec. 12. That a fee of \$1 shall be charged for the examination by the commission of each film of one thousand feet or less, and 30 cents for each film which is a duplicate of any film which has been licensed. Any change or alteration in any picture on the film after it has been licensed, except the elimination of a part, shall be a violation of this act, and shall also void the certificate and seal of such film.

Sec. 13. That the commission shall annually, on or before the first day of January in each year, submit a written report to the United States Commissioner of Education. In this report, and by other means, the commission shall make recommendations to importers and producers of films and to the public regarding the educational and recreational use of motion pictures.

Sec. 14. That the penalty for violation of this act shall be a fine of not more than \$500 or imprisonment not more than one year, or both, in the discretion of the court, and the films unlawfully changed, exhibited, or transported shall be confiscated.

Sec. 15. That the commission shall have power to charge, in addition to the fee for each film, such a sum as is necessary to pay the expense of manufacturing the seals.

Sec. 16. That the fees received by the commission shall be paid monthly into the Treasury of the United States, except the money collected for the purpose of defraying the expense of manufacturing the seal, which the commission shall retain and expend in payment of such manufacturing expense.

Sec. 17. That three months after the commission has begun to license motion pictures, and at any time thereafter, the commission shall have power to reduce the fees to such a sum as will produce no larger income than is necessary to pay the entire cost of the commission, including salaries and all other expenses.

Sec. 18. That this act shall take effect immediately, except sections nine, ten, and eleven, which sections shall take effect nine months after date of the approval of this act.

The bill recommended in this report, let me say again, is verbatim et literatim the same as the Smith-Hughes bill now before the Sixty-fourth Congress and before this committee, the bill upon which this hearing is being held.

### THREE SUPREME COURT DECISIONS SUSTAINING CENSORSHIP.

The second new thing that I present is the recent threefold verdict of the United States Supreme Court in support of motion-picture censorship, refuting in judgments on other censorships every constitutional objection that has been made to this bill in hearings before this committee or anywhere else. I hold in my hand United States Reports 236. On pages 230, etc., we have a very interesting discussion of the State censor boards of Ohio and Kansas.

Mr. POWERS, of Kentucky. What is the reported style of that case?

Dr. CRAFTS. There were two cases that were argued together. The first is The Mutual Film Corporation against the Ohio Industrial Commission, and the second is The Mutual Film Corporation of Missouri against Hodges, governor of the State of Kansas.

Mr. DALLINGER. Will you please give us the citation again?

Dr. CRAFTS. United States Reports, volume 236, pages 230 to 258, the Ohio and Kansas censorship cases. Now, the whole matter is summed up, greatly to our convenience, in the final words of the

second decision, which groups the two cases, and gives us this final verdict of the august court:

5 "We need not, therefore, repeat the reasoning" (that is, in the second case the court need not repeat the reasoning of the first case) "which establishes that both statutes are valid exercises of the police powers of the States, and are not amenable to the objections urged against them; that is, they do not interfere with interstate commerce nor abridge the liberty of opinion, nor are they delegations of legislative powers to administrative officers."

Mr. POWERS of Kentucky. That is the Ohio and Kansas cases?

Dr. CRAFTS. Yes. The cases were argued together. The issues in those Ohio and Kansas cases were very much the same as were raised in the previous hearings on the pending bill. I estimate that about half of the legal arguments presented against this bill in the former hearings are swept away by the Supreme Court decisions. It would be almost a "contempt of court," certainly a contempt of committee, to raise here again the charge that this bill proposes an unconstitutional interference with the guaranteed freedom of the press or any other of the points that have been settled by the Supreme Court decisions. Hours of time were given by the attorneys of the film interests in the former hearings to the presentation of these now discredited objections to this bill.

Mr. FESS. Dr. Crafts, the decision of the Supreme Court that the Ohio law was constitutional would be conclusive, in your mind, that a law that we had passed would be constitutional?

5 Dr. CRAFTS. The same principles are involved in the Federal censorship proposed in this bill as in the Ohio and Kansas cases, and the same constitutional objections were urged there as have been urged here; for example, that censorship in the case of motion pictures interferes with liberty of expression, with the "freedom of the press," to which the motion pictures are claimed to be kin. The Supreme Court denies that there is any analogy between the press and miscellaneous pictures exhibited for amusement and financial profit. The claim that this bill would permit an unconstitutional delegation of legislative power to administrative officers is also settled by these Supreme Court decisions.

All the prejudice against censorship, which is industriously used in place of argument against this bill is based on despotic censorship of the press in other lands; and it is not an honest use of words to speak of a censorship of an amusement largely patronized by the young as a part of the press censorship which we all condemn and to which the Supreme Court declares this censorship is not in any way related.

#### EFFICIENT FEDERAL LEGISLATION AGAINST PRIZE-FIGHT FILMS.

I have another more recent Supreme Court decision. We are fortunate in having three Supreme Court decisions for our rock foundations to-day. I am very much interested in this third case, contesting the Rodenberry-Simmons Act, which barred out the Habana prize-fight films. The initiatory work on this law was my first work in restraining motion-picture films. I would be content if I had initiated only this one of the 16 acts of Congress introduced originally at my request, and had no other definite civic accomplishment

to my credit for my whole life. It would have been worth while to have lived if only to save my country from being flooded with pictures of a negro indicted for white slavery and a white man voluntarily standing on the same brutal level, which, but for that law, would have been shown all over the country as a brace of heroes. The pictures were brought from Habana to Newark, N. J., and the deputy collector there decided they could not be admitted. The owner appealed to the United States Supreme Court. The title of the case is No. 644, October term, 1915, decided December 13, 1915. The title is L. Lawrence Weber, appellant, against Frederick S. Freed, deputy collector.

Let me quote from this decision a very interesting analogy to what has been said here about constitutionality in connection with the Smith-Hughes bill: "The ground relied on for the relief was the averment that the prohibition of the act of Congress in question was repugnant to the Constitution because in enacting the same Congress exceeded its designated powers under the Constitution of the United States, and attempted under the guise of powers under the commerce clause to exercise the police power expressly reserved to the States." The Supreme Court disposes of that plea in this decisive fashion: "The contentions are so devoid of merit as to cause them to be frivolous."

That brings up the objection that has been argued before this committee in previous hearings, that this whole matter belongs to the States, and that this bill proposes an interference with "State rights." We thank the august court for their excellent characterization of the efforts so often made by men with a bad cause to prevent effective Federal legislation by pretending a great zeal for "State rights": "The contentions are so devoid of merit as to cause them to be frivolous."

#### DO FILMS NOW IN CIRCULATION NEED CENSORSHIP?

That is the next question to consider, now that we are assured that censorship is constitutional and that Federal censorship is the best kind. In answer I wish to submit the report of an investigation of the real character of current motion pictures made by the State superintendent of schools of West Virginia, Mr. M. P. Shawkey, who wrote me in a letter dated December 9, 1915:

I have your circular speaking of your campaign to have Congress pass a law regulating the moving-picture business. I am heartily in accord with any effort to improve the kind of service put before the public by the movies. A short time since we had a survey made of the programs presented by the shows on a leading street of our capital city during the period of a month. We found that out of the total number those that were—

	Per cent.
"Good" and "Not bad" .....	25
"Bad" and "Very bad" .....	75
Cigarettes were shown in .....	35
Drink in .....	50
Gun play and murder in .....	50

Deceit, intrigue, jealousy, or treachery was a leading feature in at least 40 per cent of the programs presented.

The "movie" is powerful in its appeal to the child and is capable of great good or great evil, but as it has been during the past there can be no doubt that the evil is far in excess of the good accomplished. I am pleased to see signs of a gradual improvement, and I trust that the public is awakening to the importance and significance of the situation.

From my casual observations I should not estimate the bad motion pictures as more than one-fourth. I should not expect a film to be rejected by Federal censors because it made too frequent and too favorable a use of the deadly cigarette, which people and photo-players alike often use because it is "an easy way to get action"—the only head action of which many seem to be capable. The figures of Mr. Shawkey are too unfavorable to the films, unless perhaps that city, far away from New York's volunteer censors, is getting more than usual of the raw stuff. But the figures show at least that public opinion in the educational realm in West Virginia calls for higher standards than those of the New York censors who call themselves, without warrant, "the national board of censorship." That board claims to inspect 99 per cent of the films now issued, and so must have sanctioned most of those which West Virginia educators condemned. It can not reasonably be assumed that only 1 per cent of the West Virginia exhibits were really "bad." From the point of view of the committee report I have quoted it is reason enough for providing a more efficient censorship if only 5 per cent of the films are "bad."

I am very appreciative of the excellent unselfish service done by the unpaid censors of the New York board, but I regret that they have consented to depend for financial support on the very interest they are set to curb; and I also regret that they do not see that the New York standard for shows is by no means the American standard. Most of all, I regret they do not see that they need an official "national" board to aid them if only to insure that their decrees are obeyed all over this great country.

#### PRESENT DOWNWARD TENDENCY OF THE MOTION-PICTURE OUTPUT.

But the worst is yet to come. We have percentages almost as big as Mr. Shawkey's from a leading film producer. If there were only 15 minutes for this hearing, I should be willing to rest our claim that a more efficient censorship of motion-picture films than we now have is urgently and immediately needed on this one page of the Motion Picture Weekly. I have brought the magazine here, because I should need character witnesses if I should quote this article without the original in my hand. This is the Motion Picture Weekly of November 20, 1915, and on this page Mr. Carl Laemmle, president of the Universal Film Manufacturing Co., of New York, which claims to be in communication with 22,000 motion-picture exhibitors, is talking with them in a business prospectus. Hear, remembering how often we have been assured in former hearings on this bill that the men in the motion-picture business are all too good to make or exhibit any harmful picture, however profitable, and regardless of any restraining law.

We are perfectly willing to assume that the human nature in the motion-picture business is as good as that in the provision business or the railroad business, but the Federal Government finds it necessary to censor beef and railroad literature, why not the motion-picture output, also, especially as the peril is in this case not to our pockets or our stomachs but to the characters of our young people—the Nation's hope? We read in one of the pamphlets of the national board of censorship that the motion-picture interest is "one branch

of big business that is trying to be good," and then we turn to this page in which President Laemmle reports public opinion in the film world as to "smutty pictures" on the basis of a straw vote of exhibitors.

[The Moving Picture Weekly.]

#### A SWIFT JOLT.

[No. 108. Straight-from-the-shoulder talk by the president of the Universal Film Manufacturing Co.]

I've just received one of the swiftest jolts and biggest surprises of my madly checkered career.

Several weeks ago I published a straight-from-the-shoulder talk entitled, "Which do you want?" asking the exhibitors of America to state whether they preferred clean, wholesome pictures or smutty ones.

I don't hesitate to say that I fully expected that 95 per cent of the answers would favor clean, wholesome pictures. I stated my own likes and dislikes very plainly, but explained that my own opinion didn't cut much figure; and that I wanted an honest expression from exhibitors.

I got it!

Instead of finding that 95 per cent favored clean pictures, I discovered that at least half, and maybe 60 per cent, want the pictures to be "risque," which is a French way of saying "smutty."

Exhibitors who favored this kind of picture stated quite frankly that while they personally would prefer clean stuff, they found their patrons were more willing to pay money to see an off-color play than a decent one. One very successful exhibitor, who runs a chain of theaters, was brutally frank. He said, in part:

"What's the use of kidding ourselves? People are people the world over. They've got the same kind of red blood running through their veins that you claim to have in yours. Look back over the record of successes on the stage during the past few years and you will see that the biggest hits were those which contained ticklish situations. You honestly believe you are right in adopting the highly moral ground that you don't care to make money that way, but you've got to consider others than yourself. You've got to consider thousands of exhibitors, and it is your duty and common sense to give them the stuff that will bring them the most money. The theatrical manager who follows the public taste instead of trying to lead it the way he wants it to go is the one who comes out on top. The moving-picture magnate who tries to play the pioneer or go against the current will come out the little end of the horn."

If only a few such letters had come in answer to my query, I would not have thought much about it. But they piled in. One after another said that it would be wise to listen to the public demand for vampire pictures. Others stood out uncompromisingly for clean, decent pictures.

The whole thing was an eye opener, so totally different from what I expected that I am stumped! The Universal does not pose as a guardian of public morals or public taste. For that reason it is quite possible that we may put out a picture that is off-color now and then as a feeler. We have no such picture yet, but it is easy to make them.

Personally I am against them from soda to hock, but if the demand for them is so overwhelmingly great, we will bow to the superior wisdom of the majority. If the time comes when we depend solely on such pictures I will gladly get out of the picture business and strike the street commissioner for a job sweeping streets.

UNIVERSAL FILM MANUFACTURING Co.,  
CARL LAEMMLE, *President*

("The largest film manufacturing concern in the universe," 1600 Broadway, New York.)

If that were simply one man's random estimate, it might be tossed aside, but it would discredit our intelligence to say, in the face of that prospectus, there is no need of additional restraint beyond what volunteer censors and State and municipal censors are now affording. Apparently no exhibitors polled in that "straw vote" were

afraid that present restraints would hinder their use of smuttier pictures.

These quotations of report and court and investigations seems to me to bring the question before us up to date, although I have not taken half the time allowed. I hope the committee will hold the other side down to using their time in the presentation of new matter that has not been outlawed by the Supreme Court. We are willing that they should have to-night all of our time that we have not used, but I wish to express once more the hope that the week-long hearing will be shortened unless there is enough really new matter to fill the time. I have conducted threescore hearings in Congress, and I have never known a subject of this character to be extended in such lengthy hearings.

The CHAIRMAN. I understand that you have concluded your time?

Dr. CRAFTS. For to-night; yes, sir. Of course, we will want some time to-morrow night for rebuttal if it seems necessary.

Mr. BINDER. Mr. Chairman, we find ourselves here at the council table without copies of these reports which the doctor handed to the committee, and, as I believe they are more than you will need, we shall appreciate the courtesy if he will let us have a copy.

Dr. CRAFTS. Certainly; with pleasure.

Mr. DALLINGER. Dr. Crafts, the national board of inspectors that passes on the pictures—how is that board formed?

Dr. CRAFTS. In a pamphlet published by that board, the origin of the board is thus described:

In the early days of the movie, 10 or 15 years ago, the business was not taken very seriously by anybody or in any way. The crude shows then exhibited were classed with the merry-go-round and the roller-skating rink, or worse. They were cheap and rather vulgar amusements—that was conceded—useful chiefly as “chasers” to vaudeville performances, a means of emptying the house in a quiet and orderly manner. But as for possessing any great actual or even potential importance as social forces or molders of public opinion or morality— [Laughter.]

Then stories began to get around about the viciousness of some of the pictures shown and the immorality of the associations and personnel the motion-picture theaters maintained. A great white light of virtuous indignation entered the soul of Mayor McClellan, of New York, and expressed itself in swift and drastic action. In 1909 he cut the knot of the difficulty by simply closing up all the movie theaters in town.

The theater owners were naturally desperate. The film manufacturers, too, were alarmed, and with reason. If the rest of the country should by any chance follow the lead of New York they saw themselves thrown on a cold and unsympathetic world without a business and minus the capital they had already invested in the new industry.

So they took sudden counsel together, and representatives of the theaters went to call upon Messrs. John Sprague Smith and John Collier, of the People's Institute, to whom they stated their difficulty. \* \* \*

The People's Institute undertook to censor films for the New York motion-picture theaters. And as a commentary on conditions at the time and a partial justification for Mayor McClellan's solution of the situation, it may be stated that 10 per cent of films inspected during the first year the new plan operated were rejected by the censors.

A little later the project for a national board of censors was mooted, and finally adopted and carried through. \* \* \*

The board as it stands is made up of three committees. First, a general committee consisting of one representative from each of 20 civic agencies whose headquarters are located in New York, and 14 private citizens, a total of 34. An executive committee of 10 is chosen from this number. The censoring committee of 125 members is chosen by the general committee, and is composed of citizens considered especially adapted to the work.

These welfare workers most generously gave their time and skill to working out the new and difficult problem of censoring this new recreation. It was intended that the general public should support this work, but the philanthropic contributions were so meager that nearly the whole expense of the censoring fell on those who were to be censored. Outside of New York that has been considered a menace to the effectiveness of the board, which is also criticized for calling standards made by New Yorkers only "national"; and, most of all, this board is criticized for attempting to do a "national" work in censoring with only a few hundred volunteer correspondents to insure that its orders are carried out in 22,000 motion-picture theaters. This enforcement of censorship, which this volunteer board can not itself accomplish, its salaried officers are aggressively seeking to prevent municipal, State, and National Governments from doing, which seems to many of us a proof that the financial support of this board by film interests has not left its active officers as uninfluenced as they would have us believe. I have here a letter from President C. W. Eliot saying "It is of course wholly wrong that censors should be paid by the film manufacturers." It is not a satisfactory reply to say that the volunteers that do the censoring are not paid. Their expenses as a board are paid, and the "staff" whose salaries are paid certainly have opportunities to influence the verdicts. If such a board can effectively regulate the fifth largest industry by free advice, Congress ought to reorganize the Interstate Commerce Commission and make the railroads pay for their regulation.

Mr. RUCKER. Have any of the States undertaken to regulate this matter themselves?

#### STATE AND MUNICIPAL CENSORSHIP INADEQUATE.

Dr. CRAFTS. Yes, sir; they have in Kansas, Ohio, and Pennsylvania. This national board is trying to kill all official censor boards, that it may have a monopoly of censorship.

Mr. RUCKER. There is nothing to prevent a State law upon the subject?

Dr. CRAFTS. No, sir. I think it is desirable for the States to co-operate until the national board has got its wind. The States would have a right to censor as long as they chose. Mr. Bush, editor of Motion Picture World, said in previous hearings that the adoption of film censorship by the national censor in England, even in an unofficial way, broke up about all the petty censorship by local magistrates. The appointment of a Federal censor board is to take care of interstate commerce in films. Censorship could be done by one Federal board as cheaply as it could be done by any one State, for all motion pictures go practically everywhere. To do the whole job 48 times instead of once would multiply the expense 48 times. And even then it would not be done as well, for it is generally conceded that Federal law is more effective than State law.

Mr. RUCKER. I want to ask you, Doctor, why State legislation would not be entirely effective?

Dr. CRAFTS. The trouble with State boards—

Mr. RUCKER (interposing). I say, can they not regulate this if they want to?

Dr. CRAFTS. Oh, the State board can not take away copyright, nor use the great power of Congress over interstate commerce; nor can they afford to appropriate enough money to employ great men, such as this work requires—great lawyers, great psychologists, great artists—men as big as those that regulate the railroads or judge great cases in our civil courts. State boards usually employ two or three men at salaries of not over \$1,500 each; and they lack an adequate supply of assistants for enforcement of the law, as compared with what this Federal board would have.

Mr. RUCKER. But suppose all the States saw fit to act and did act, it would regulate?

Dr. CRAFTS. Well, it would be a good deal like interstate difficulty in the liquor business.

Mr. RUCKER. Well, we do not want to discuss liquor business to-night.

Dr. CRAFTS. There is some question, as Judge Towner brought out in the previous hearings, whether if the pictures came into the State in the course of interstate commerce the State could as effectively deal with them as we might with a cooperation of Federal and State power.

Mr. DALLINGER. Is there anything to prevent any city or town in the United States preventing the showing of pictures which are deemed improper?

Dr. CRAFTS. The difficulty about that is that the character of the show is not usually known in advance. And it would cost 1,000 cities 1,000 times as much as a Federal board, because all the pictures come to each city. Only a few cities can afford to put thousands of dollars into censorship, and so they can not do it right. It would be like trying to enforce the pure food and drug act by State laws and local ordinances alone. That method would be less efficient and far more expensive.

Mr. DALLINGER. Are you aware of the fact that in some cities the mayor and the selectmen of the town have to give a license for any moving-picture show?

Dr. CRAFTS. Yes; I know the mayor of any city can cancel the license of any show, or by other police powers prevent any public exhibition if he will, but think of the absurdity of putting on every mayor, who already has a heavy load, a matter that could be taken care of once for all by the Federal Government! Take the matter of railroads. They can be handled more effectively by the Federal Government than by local boards, and the same is true of meat inspection. This bill proposes to raise in licenses from the films \$40,000 to censor pictures here for the whole country. If a city or State wants to be more strict they can be, but the bulk of the work would ultimately be done by the Federal censors.

It is also more just to the film producers themselves to have their pictures approved once for all than to have them get a favorable decision in one State and an unfavorable one in another, being continually hampered by changing standards. I have had letters from some of the largest film producers, who have said that if we could get Federal censorship here that would take the place of State, local, and volunteer boards, it would be better for the business as well as for the public. Whether a satisfactory Federal censorship would

displace or greatly diminish other censorships, as I believe it would, can be only demonstrated by a faithful experiment.

**BILL PROVIDES REGULATION RATHER THAN CENSORSHIP IN THE BAD SENSE.**

Let me say once more in regard to the word "censorship," that we use it only as a convenient, popular term. This bill is really a regulation bill like the interstate-commerce law and the pure-food law, and includes censorship only in a colloquial sense like a score of laws to prevent frauds. It is pertinent to say that all the nations of our rank, with the significant exception of France, have censorship both of dramas and photo-plays. In our form of government, censorship of motion pictures alone among recreations is suitable for Federal treatment. A motion-picture film is a tangible, finished product which is intended for interstate commerce and can be judged once for all. But a drama is in the memories of the traveling actors, who may give it very differently in different communities. The spoken drama should therefore be left to the mayor or some other local guardian of morals.

And now, in the hope of shortening these hearings, and in token of friendliness for a great and wonderful business, I am glad to yield three-quarters of an hour of my time to the representatives here of the motion-picture producers and exhibitors.

The CHAIRMAN. We will now hear Mr. Binder. Just give your full name, occupation, and residence.

**STATEMENT OF MR. J. W. BINDER, NO. 18 EAST FORTY-FIRST STREET, NEW YORK CITY, EXECUTIVE SECRETARY OF THE MOTION PICTURE BOARD OF TRADE OF AMERICA.**

Mr. BINDER. Mr. Chairman, my name is J. W. Binder, and my principal occupation is being a Pennsylvania Dutchman.

Mr. FESS. Good.

Mr. BINDER. I happen to be by way of avocation executive secretary of the Motion Picture Board of Trade of America, which is an organization of film manufacturers, of film distributors, of exhibitors of motion pictures. In other words, it is a trade organization covering the entire motion-picture industry, not perhaps so thoroughly covering the exhibition end of the motion-picture industry yet, as we will later on. That end has a society all its own. But this is a trade organization in that it has gathered into its membership the manufacturers, distributors, and some of the principal exhibitors throughout the country who are united for the purpose of common defense, if I may so state before this committee, for the purpose of standardization and correcting evils that may exist. That is my avocation.

I am mighty glad, indeed, to be able to speak to the Committee on Education to-night on the subject. I am glad that the committee has this subject before it. It is a tacit acknowledgement for the first time publicly on the part of a legislative body that the motion picture is an educational force. Otherwise, I see no other reason why it should be before you. I have appeared before legislative bodies in different States and have spoken to legislative committees

upon these matters. Generally, I had the pleasure of addressing a committee on morals, or a committee on public welfare, but this is the first time I have had the pleasure of speaking on this subject before a committee on education. It seems to me peculiarly fitting that it should be so. Upon receipt of your telegram, Mr. Chairman, asking this organization of motion-picture people to undertake the opposition to this bill, I read it to be that the committee would have three continual uninterrupted evenings to hear the arguments of the opposition. Acting on that hypothesis, we had arranged so that you would hear to-night from the manufacturers of the films, those who produce them. To-morrow night you will hear from the exchange men, the distributors, who take the finished picture and distribute it to the exhibitors. On the closing night of the hearings, Saturday, we have arranged to present to you the views of editors of newspapers and periodicals throughout the broad Nation, men who are engaged in formulating the thought of this country, who are mainly interested with us in the defeat of this bill. With them we had arranged to present the writings of authors and fiction writers who are also mainly interested with us in the defeat of this bill. We have clergy who are interested to a degree, I hope, in free speech, who will be here to speak. After that we will present for your consideration opinions of those men and women who make motion pictures: who write the scenarios and erect them and through whose genius the picture finally blazes forth upon the screen.

Mr. FESS. Does that mean that you want all six nights?

Mr. BINDER. No, sir. We can finish in the three evenings; and since Dr. Crafts has gallantly resigned to us the remainder of his time—

Dr. CRAFTS (interposing). Excuse me, but we shall want to claim time for rebuttal if we feel the need of it. That will probably be Friday night.

Mr. BINDER. Thank you. We have arranged to bring here, at much expense and trouble, men and women from all over the country, and we should like to have them heard. I take it there is nothing to interfere with that program?

Dr. CRAFTS. Oh, no. There will be a short rebuttal, I think.

Mr. BINDER. I thank you. The motion-picture industry, as represented by the motion-picture board of trade, is opposed to this bill on fundamental grounds. Fundamentally we are opposed to the bill. There are three ways in which I can communicate the thought which may be born in my mind this moment to you. I can speak it to you as I am doing now, and you hear my words and you get the thought. Failing that, I can write it on a piece of paper and have it printed into a book or newspaper and you read the printed page. You get from that the thought which I would give to you. Then the last method is this: Within the last decade a third method of expression has arisen—the motion picture. I may not have the ability as an author or orator to write or speak my thought. I may be barely able to set it down in a rough sketchy motion-picture scenario. That scenario is taken and through the genius of the director is finally thrown on the screen and exhibited in theaters patronized by 12,000,000, and they get my thought. All of these modes of expression are parallel to the remotest degree. I will write and speak what I please, always being responsible for the abuse of that privilege. If I speak to you anything to-night that is obscene, immoral,

indecent, or libelous, the moment the word is spoken your marshal can arrest me and put me in jail for the crime. If I write or print anything in the public press to-morrow morning which is immoral, indecent, or libelous, I am held responsible for that crime; and in each case I am held responsible for the commission of the crime after the commission of the crime, but not before. So that much for those two mediums. With the arriving of this third new medium, which but a decade ago was unknown, you say to me, if you enact this bill into law, and you say to 12,000,000 people daily who see motion pictures, "Before that thought which but now is pulsing in your brain may be expressed you must bring it here and lay it down on the table before this all-powerful body which you propose to create by this legislation, composed of five"—gods? No. Human beings similar to you and to me—not of any better caliber, not of any broader perception of what is right or wrong—but you must bring your thought here, write it down, and lay it before us, and we will say whether we think it is fit or unfit to be shown. From the decision of those five people you allow us no appeal. That is the fundamental objection which the motion-picture industry has to this bill.

Mr. FESS. Would not that objection be against all censoring?

Mr. BINDER. Absolutely. A man who will censor, who will prevent me from saying anything that is in my mind before I say it, is a censor, and that would apply to everything.

Mr. FESS. Then, would you object to the national board?

Mr. BINDER. The national board of censorship is no more a censorship body, in the strict adherence to the term, than you are. A censor who has not the power to put his foot down upon any passage which he wishes to have deleted and take it out or let it stand for all time, is no censor.

Mr. SEARS. Then, why is it that there is stamped on the pictures, "Passed by the national board of censorship"?

Mr. BINDER. That is a misnomer.

Mr. ABERCROMBIE. Would not your argument eventually lead to the elimination of all censoring everywhere?

Mr. BINDER. Absolutely, everywhere, except in case of war. I am referring to censorship at the present time, eliminating, of course, any censorship that might be necessary by reason of war.

Mr. POWERS. I see the force of your statement, and if it were carried to its logical conclusion you would be in favor of doing away with whatever censorship there is now.

Mr. BINDER. Without question, sir. We stand here and make our fight upon the principle which I have just enunciated, and in our fight we are not alone. Before this hearing shall have closed I will bring before you the testimony, orally and in writing, of the greatest magazine editors in the country; not in one section of the country, but scattered from Maine to California. I will read their printed words condemning this viper which you would fasten upon the American people.

Mr. FESS. This committee is an open-minded committee.

Mr. BINDER. I know that.

Mr. FESS. So we ask to have the privilege of interrupting you because of that fact.

Mr. BINDER. Very gladly.

Mr. FESS. Now, since this national board of censorship is a creation in the interest of the moving-picture business, why do you have it?

Mr. BINDER. That is the reason we have it. That is the reason the motion-picture manufacturers support the national board, and they do it very frankly. You know, I speak in pictures and you can not get my thought unless I speak in terms of pictures. When I say to you that the sky is blue it means nothing at all until you have formulated an idea of a blue sky and have seen it. Consequently I want to draw an analogy in pictures. In every well-conducted newspaper in this country, before the printed page is released for publication, a galley proof is taken—I assume you know what a galley proof is—and the galley proof is carefully taken and read and re-read and read again by persons whose business it is to do that very work. Why are they read? For this reason: To assure the proprietor of the paper that there will be nothing contained in any line of that newspaper which might subject him to action for libel for printing anything that was libelous, indecent, or immoral. In other words, at his own expense he supports an organization known as proof readers, and every line that goes out of that newspaper office has first been subjected to the scrutiny of the experts whose duty it is to examine them.

Mr. TOWNER. You certainly know that the proof reader has nothing to do with the matter contained in the newspaper article.

Mr. BINDER. The editor does that, but the proof reader says whether the matter that goes out is correct. He sees that everything that goes out is correct.

Mr. TOWNER. Then the analogy would not apply?

Mr. BINDER. Whell, then, change it to the editorial room and it is absolutely perfect.

Mr. TOWNER. Your position would be that censorship of the moving pictures is exactly analogous to censorship of the press?

Mr. BINDER. Absolutely.

Mr. TOWNER. That is what I understand you to say.

Mr. BINDER. Yes, sir.

Mr. TOWNER. And therefore all censorship should be eliminated?

Mr. BINDER. Yes, sir.

Mr. TOWNER. You would not, if you could avoid it, maintain this central organization in New York City?

Mr. BINDER. Yes, indeed; as a check, but not in any other way.

Mr. TOWNER. You are unequivocally opposed to all forms of censorship?

Mr. BINDER. To all legalized censorship which says that you shall not do this or that.

Mr. TOWNER. You are opposed to all State censorship?

Mr. BINDER. Yes, sir.

Mr. TOWNER. And also to all municipal censorship?

Mr. BINDER. Yes, sir. When I say legalized censorship I mean it very broadly.

Mr. TOWNER. Now, that being the case, you are in reality demanding the right to send any picture that any film manufacturer in the United States desires into any community in the United States. Is that true?

Mr. BINDER. That is absolutely true, so far as censorship is concerned.

Mr. TOWNER. Then any vile combination of people who desired to do so could manufacture films and send them without any restrictions, without any examination, anywhere if they could find a moving-picture show to exhibit them, so that they could be placed on the screen before these audiences of children. Is that true?

Mr. BINDER. That is true, so far as censorship is concerned.

Mr. FESS. Mr. Binder, as I understand it, plainly speaking, the censorship that you favor is censorship in order to protect yourself?

Mr. BINDER. Oh, no. It is to the interest of every manufacturing moving-picture concern to see that nothing goes out which might subject him to action for libel, indecency, or immorality.

Mr. FESS. That is the point. It is the protection for you so that you will not become involved legally.

Mr. BINDER. Yes, sir; and that is the way the national board of censorship is maintained.

Mr. FESS. Not for the protecting then of the public, but for the protection of yourself.

Mr. BINDER. That is frankly the manufacturers viewpoint, but we can not separate the protection of the manufacturer from the protection of the public, because they are absolutely intertwined. If the public suffers, the manufacturer also will suffer. The protection of the public is inseparably intertwined with the protection of the manufacturer, because if the manufacturer makes pictures that are indecent or obscene or immoral, he suffers because he loses the business, and the public also suffers. Consequently it is to the interest of the manufacturer to protect the public by making high-grade clean pictures, and he knows he must conserve his investment by making clean, high-grade pictures. The two are absolutely inseparable. They go together.

Mr. FESS. But you are opposed to all censorship altogether, and you say that the present system of censoring is no censorship at all.

Mr. BINDER. If you will look up the definition of a censor, you will find that it is a man who has the power to say this must not go out, and it does not go out.

Mr. FESS. But you said a minute ago that you were opposed to legal censorship.

Mr. BINDER. That is legal censorship.

Mr. FESS. Well, a legal censor can visit a penalty upon you and the other can not.

Mr. BINDER. Yes, sir. The other is a voluntary censorship. Legal censorship, as you understand it, is prepublication censorship, and that is what we object to.

Mr. TOWNER. Mr. Binder, if a manufacturer should find that in certain localities of the United States they desire to see questionable films somewhat tending to immorality and that they would only patronize those pictures, and if they did not furnish them they would be unpopular, you would consider it perfectly proper for the manufacturer to supply those films?

Mr. BINDER. I say that as between the curtailment of freedom of thought, that great principle which has made America great, and the showing of less than one-tenth of 1 per cent of publications that

are objectionable, I say show the pictures that are objectionable rather than sacrifice American freedom of speech.

Mr. TOWNER. Then it is not national censorship, as such, that you are objecting to?

Mr. BINDER. It is the thing.

Mr. TOWNER. It is all censorship?

Mr. BINDER. It is the thing, the idea, that I object to.

Mr. DALLINGER. Do I understand you to say that there ought not to be any law prohibiting the production of obscene and immoral films?

Mr. BINDER. None but the laws that exist now. Every municipality has in its power to prevent the showing of films that are indecent. Any censorships that you will frame here will not solve the question.

Mr. ABERCROMBIE. In your opinion, how much would it cost to enable a city to censor properly all films that are exhibited?

Mr. BINDER. Frankly, I do not know. I have not any idea. But I do not see why that need alarm the committee, because invariably whatever the cost it would be borne by the motion-picture manufacturers. I was rather surprised at the concern of the good doctor upon that point, because whatever the cost would be—\$10,000 or \$100,000—would be borne by the motion-picture manufacturers.

Mr. POWERS, of Kentucky. I dislike to interrupt you, but we are asking you so many questions—

Mr. BINDER (interposing). That is a compliment, and I appreciate it.

Mr. POWERS, of Kentucky. You object very strenuously to a commission of five men passing upon these various films and saying what you can show and what you can not show?

Mr. BINDER. Yes, sir.

Mr. POWERS, of Kentucky. And you say that in the various States and communities if the pictures are not what they ought to be that they can be stopped?

Mr. BINDER. By the present law.

Mr. POWERS, of Kentucky. And by the people who have it in charge and put that law into effect?

Mr. BINDER. Yes, sir.

Mr. POWERS, of Kentucky. After all, would not the people in the various communities pass upon the propositions as to whether or not the pictures are objectionable or unobjectionable?

Mr. BINDER. Certainly.

Mr. POWERS, of Kentucky. Now, what is the difference between a board passing upon that proposition and a board in these various communities passing upon them?

Mr. BINDER. I can answer your question very nicely in a minute. Your question is, if you pass a Federal censorship bill, will not the States and various municipalities be very glad to accept it?

Mr. POWERS, of Kentucky. Not necessarily that, but my question is this: You object to this Federal censorship by five men passing upon the proposition as to what is and what is not fit to be presented to the public?

Mr. BINDER. Yes, sir.

Mr. POWERS, of Kentucky. Now, when you get down to the municipalities and various communities, will not those people have to pass upon the same proposition?

Mr. BINDER. Yes; sure.

Mr. POWERS, of Kentucky. Now, what is the difference between those people passing upon it here and the other people passing upon it in the various municipalities?

Mr. BINDER. Because there are no two States who have standards of morals which are alike. I will cite these two instances which are out of their order. I sent a telegram to the governors of three States, saying, "If the Federal censorship bill now in Congress is passed, will the States of Ohio, Kansas, or Pennsylvania agree to accept the decisions of the Federal board as binding upon itself and abolish its State censorship board?" Without a single exception they said "no"; the State of Pennsylvania keeps for itself the right to regulate the pictures that are to be shown in its own State. In the city of Cincinnati in three cases they refused to accept the decision with respect to a certain picture. You are familiar with that, Mr. Fess, because you live there. The mayor of Cincinnati said, "You can not show that picture in Cincinnati," and it happened that the mayor of Cincinnati is a Jew, and in this picture there was a reflection on the character of the Hebrews. He fancied it was a reflection, and he said, "You can not show that picture here." Therefore any bill which may attempt to set a standard of morals would fail in every State, because its decrees would not be respected by every municipality.

Mr. FESS. Suppose the law had said that the picture should not be shown?

Mr. BINDER. The Federal law?

Mr. FESS. No; the State law. Suppose Cincinnati had attempted to show the picture, would it have been shown?

Mr. BINDER. Cincinnati would have shown the picture in defiance of the State's order.

Mr. FESS. I think not.

Mr. TOWNER. Would not they be compelled to obey the State laws?

Mr. BINDER. In matters of morals?

Mr. TOWNER. Why, certainly, if the matter is constitutional at all it is to be complied with the same as any other law. If a board of national censors does not permit a film to be circulated throughout the United States, how does your State have an opportunity to pass upon it?

Mr. BINDER. I can not answer that except—

Mr. TOWNER (interposing). I thought you said that they would go before the States and they would render nugatory the action of the board and then go before the national body and they would make it nugatory before the national board.

Mr. BINDER. If I understand you, you regulate interstate commerce—

Mr. TOWNER (interposing). But if the national censorship board does not permit your film to go out through the country at all, it never reaches any municipality.

Mr. BINDER. But suppose it does?

Mr. W. M. SEABURY. Suppose the commission which this committee contemplates creating says that the film may go out. Then we reach the State of Ohio or Pennsylvania or Kansas and it runs the gauntlet of that State, and goes into the municipality and reaches the municipality, and finally after we have reached every city in Ohio they say: "No; you shall not show that picture here." The manufacturer has spent thousands of dollars on that picture only to find in the last analysis that there is one municipality which will not permit the picture to be shown.

We object to prepublicity censorship. That means that we object to any body of men saying what shall or shall not be published before it is published. We say that the existing laws on the subject, both national and State, are amply sufficient to protect the public and protect the children against improper pictures.

Mr. FEES. But if the Federal board says that this picture will be permitted and it goes over to Ohio and the State will not allow it, and the city will not allow it, you are still objecting—

Mr. SEABURY. Oh, no; we are objecting to show the utter ineffectiveness of Federal censorship, which accomplishes nothing, but is a burden and expense on those who submit to it.

Mr. SEARS. I thought the gentleman stated that each city could pass an order preventing the exhibiting of these pictures.

Mr. SEABURY. They could.

Mr. SEARS. Then would that not be worse than it is now, because you would not know whether you could show a picture in any place?

Mr. SEABURY. No, sir; because if anybody produced an obscene play he is punished for it by the police power of the community. If a play is known to be immoral, the local police will say to the exhibitor, "If you release that particular play your license will be revoked." To that extent we regard that as proper regulation, but anything that requires the submission of a scenario or film, or anything involved in the production of the film, to be submitted to this board to determine for us the morality of it, it is a vicious thing. It is un-American and vicious in character. This is supposed to be a legislative argument instead of a judicial one, and I do not want to break in on Mr. Binder.

Mr. BINDER. I was just about finished when you spoke.

Mr. TOWNER. Who will tell us about the present organization of these manufacturing firms? You said the manufacturing firms were going to be heard to-night.

Mr. BINDER. Yes, sir. We have manufacturers to speak for themselves. Each one will tell how this bill would effect him particularly.

Mr. SEARS. Has not the right of cities to pass these ordinances been already decided?

Mr. BINDER. No, sir.

Mr. SEARS. But you have practically decided that to-night.

Mr. BINDER. Yes.

Mr. SEARS. Does this national censorship board pass on every picture upon which appears the stamp, "Passed by the National Board of Censorship?"

Mr. BINDER. I think so; without any question.

Mr. SEARS. And 95 per cent of all those that are sent out through the country have been passed upon by that board?

Mr. BINDER. Yes, sir.

Mr. RUCKER. What is the necessity for that?

Mr. BINDER. Except to protect the public morals from pictures that might inadvertently get into circulation from a small portion of the manufacturers who have not yet got as high standards as the majority.

Mr. RUCKER. It is an advertising proposition?

Mr. BINDER. No, sir; the manufacturers maintain it for their protection and for the protection of the public.

**STATEMENT OF MR. P. A. POWERS, TREASURER UNIVERSAL FILM MANUFACTURING CO.**

Mr. P. A. POWERS. I am a manufacturer. May I say a word upon this question? I have been in the business for 10 or 12 years, and I heard Mr. Crafts say that the national board was asked to censor our films. My recollection or knowledge of the national board of censors is that they are a nice lot of people who wished themselves into a job down there. They came around to our projecting room and they said, "We would like to see your pictures." Finally they came and saw what good work we were doing in passing upon our pictures, and finally they asked us for a contribution after they had been passing on the pictures, and thinking that they were doing good work was the only reason that they ever got a dollar from us; not that we needed them, because we were perfectly willing to censor our own products. You can not afford to make an immoral or bad picture in this business.

Mr. SEARS. Then you admit that the maker of the picture is not always the best judge?

Mr. P. A. POWERS. The public are the censors.

Mr. SEARS. Then why not have an agency to represent the censorship of the public?

Mr. P. A. POWERS. If a public wants a picture they can permit anything that is proper. They have the authority in every city in the United States to prevent anything that is an improper picture. You can not show a bad picture and get away with it.

Mr. FESS. You do not have a very high opinion of the effectiveness of this national board?

Mr. P. A. POWERS. I say the national board has not done us any good. We are good without the national board.

Mr. FESS. The national board has had its representatives here, and they are generally opposed to Congress injecting itself into the matter, on the ground that they are doing the work properly.

Mr. P. A. POWERS. I can not help that. They might have any opinion of themselves that they want to, and Mr. Crafts might have any opinion of himself that he wants to, if he is going to regulate the morals of the United States and protect the United States from bad pictures. He says that only 25 per cent of the pictures are good. That is laughable to me, because if only 25 per cent of the pictures were good there would be no motion-picture business.

The CHAIRMAN. When any of these pictures that appear before the national board in New York are declared objectionable you never show those pictures, do you?

Mr. P. A. POWERS. Oh, no. If they say, "Now, change this title or cut this piece out," we will change it or cut it out, not because we

think it is improper but simply because they have delegated themselves to be our censors.

Mr. POWERS, of Kentucky. Mr. Powers, let me ask you this question frankly: Do you not think now from the fact that your films are required, or even if they are not required, but are in fact to be passed upon by this board, that you are a little perhaps more careful regarding the character of the films than you would be otherwise?

Mr. P. A. POWERS. I do not know when the national board came into existence. I have been in the picture business about 10 years and during that time I have been connected with the companies making the films and I have never known a picture which we sent out that was rejected in any part of the United States.

Mr. TOWNER. Of course, if they are bad they are not sent out. Are any of your films ever cut out by any of the State or municipal boards?

Mr. P. A. POWERS. The pictures that we send out now?

Mr. TOWNER. Yes.

Mr. P. A. POWERS. Yes, sir. The same——

Mr. TOWNER (interposing). Well, that was only for the purpose of getting you to answer another question which is vastly more important. Do you not think that the fact that your pictures are required to pass a State or municipal censorship make you a little more careful regarding the films that you manufacture?

Mr. P. A. POWERS. I say that every picture that we send out——

Mr. TOWNER (interposing). Can you answer that question? You have not answered it.

Mr. P. A. POWERS. I can not see that it makes any difference when the pictures are sent out. We have to conform to the conditions of the business, and what the public wants. Now, if we send a picture out from New York passed upon by the national board of censors that film goes to Pennsylvania and it is all cut to pieces in Pennsylvania. Then it goes to Ohio and there is a committee of three men and women who pass upon it in Ohio. After it passes the national board of censorship in New York, composed of about 50 or 60 people—they usually get a committee of 10 or 12 or 15 people to view the pictures, and they vote on the pictures that are sent out. We have three people in Ohio, and it happened that in the past month one of them was sick, and the other two do not like each other and they do not speak to each other.

Mr. TOWNER. I beg your pardon, Mr. Powers, but would you be kind enough to answer my question?

Mr. P. A. POWERS. I will try to.

Mr. TOWNER. My question is this: The fact that your pictures are required to be passed upon by a State and municipal board—does not that fact alone make you more careful in the preparation of your films?

Mr. P. A. POWERS. No, sir. It is the police power, the police regulation of the United States that prevents us from doing anything wrong, or prevents you from doing anything wrong, or anybody.

Mr. TOWNER. Taking the question entirely from the standpoint of the people and not from your standpoint, do you not think that the interests of the people would perhaps be better protected by a public or national board than by a volunteer board that is paid by the film manufacturers down there in New York City?

Mr. P. A. POWERS. I do not see the necessity of either one.

Mr. TOWNER. That is not the question. I am asking you if the interests of the public would not be better protected by a national board that represented them—rather than by this board down there in New York City, however it may be constituted, that represents you?

Mr. P. A. POWERS. I do not know what difference it would make whether you take the national board in New York or in Washington or in California. If Dr. Crafts took the place of Maguire or of Mr. Cox, it makes no difference who censors the pictures.

Mr. TOWNER. You do not answer the question, Mr. Powers, at all. The question is, will not the interests of the public be protected better by a national board representing them than by a private board which represents you and is paid by you?

Mr. P. A. POWERS. I can not see how it can. I can not see how it makes any difference at all.

Mr. TOWNER. Now, this is the attitude, if I understand it, of the moving-picture people: They believe that all of these boards and all of these efforts to protect the public are really interferences with their rights?

Mr. P. A. POWERS. Yes, sir. A special interference with our particular rights—a special interference.

Mr. TOWNER. That is what I understand you to mean. You think that any effort made by any of the good people of the country to protect the children who attend these film pictures by the tens of thousands every evening is not protection and there is no possibility of protection except prosecuting and sending to jail the fellows who may violate the local laws with respect to these pictures?

Mr. P. A. POWERS. Can the good people of this country create any other organization besides the police force to establish their laws? Are not our present authorities fully capable of protecting us?

Mr. TOWNER. Again you are not answering my question, but I will answer yours very promptly. There has not been a day since the existence of this Government down to the present day, and there will not be for a thousand years to come, that there will not be required new laws and methods for the prosecution of crime and the upholding of morality.

Mr. P. A. POWERS. There is only one organization to enforce those laws, and that is the people.

Mr. TOWNER. That is exactly what our proposition is.

Mr. P. A. POWERS. No, sir.

Mr. TOWNER. The representatives of the people should protect the people.

Mr. BINDER. But you want to take that power away from the municipalities and center it here.

Mr. TOWNER. Oh, no. This proposition is to represent you throughout the United States, to represent the people.

Mr. BINDER. Through a commission of five people?

Mr. TOWNER. Yes; and it says to you, "We will protect you if you will deal fairly and justly with the country. We will protect you if you will not become a corrupter of the morals of our youth. We will assist you to do every good thing, but we will not allow you to do bad things."

Mr. P. A. POWERS. You can not legalize it with the stamp of your approval because it will not go 25 miles outside of the board with your stamp on.

Mr. TOWNER. I think it is a very good thing. You will never manufacture a film of questionable import or questionable influence in this country if you know you have got to pass the national board, the State board, and the municipal board.

Mr. P. A. POWERS. We do not do it now.

Dr. CRAFTS. What about Laemmle?

Mr. FESS. Mr. Powers, do I understand that you think that no restraint should be offered except by the police authorities?

Mr. P. A. POWERS. Absolutely.

Mr. FESS. You do not want Congress to give any authority to anybody to decide upon whether pictures are good or bad before they are shown?

Mr. P. A. POWERS. No, sir.

Mr. FESS. You want the pictures shown first?

Mr. P. A. POWERS. Yes, sir.

Mr. FESS. And if the picture is bad—

Mr. P. A. POWERS (interposing). If the picture is bad the police will take care of that.

Mr. FESS. Do you think that is a safe course to follow?

Mr. BINDER. Mr. Chairman, so much of our argument depends upon whether this committee clearly sees the difference between pre-publicity censorship and censorship in the ordinary accepted term, that I would like to have Mr. Seabury speak upon that point, because if you do not apprehend the difference between prepublicity censorship and the ordinary cautionary censorship, our whole case will fall.

The CHAIRMAN. Well, you have the division of time against the bill. We will be glad to hear Mr. Seabury.

**STATEMENT OF WILLIAM M. SEABURY, ESQ., ATTORNEY AT LAW,  
32 NASSAU STREET, NEW YORK CITY.**

Mr. SEABURY. Mr. Chairman and members of the committee, I am an attorney, at 32 Nassau Street, New York City, and general counsel for the motion-picture people. I hesitate extremely to intrude upon Mr. Binder's presentation of this subject as it was intended to be presented. I regard it as unfortunate that I intruded upon the committee by injecting a few remarks in Mr. Binder's address. The purpose was to get before the committee what we were all talking about. We use terms such as censorship and prevention without the slightest idea of what they really mean. Now, when any of our people—meaning the moving-picture interests—talk about censorship we do not mean the prevention of the exhibition of an improper film after it has been shown, or even after the subject matter is known and it is about to be shown. What we mean is prepublicity censorship, to which we are opposed. We mean the censorship of a body which before any wrong is uttered determines for itself whether or not the utterances shall be made.

Mr. TOWNER. Is not that the only purpose of a censorship?

Mr. SEABURY. Well, it has been used in connection with the prevention of the continued exhibition of a moving picture.

Mr. FESS. You mean after a picture has been shown?

Mr. TOWNER. Whenever a censorship is applied it is applied for the purpose of preventing the continuance of a picture.

Mr. SEABURY. But we do not use it in that sense. Nobody among our people has any objection to the preventing of the exhibition of an improper film.

Mr. TOWNER. Now, tell us how and why that is.

Mr. SEABURY. It is utterly impossible to conduct this industry in the face of one of more so-called legalized boards of censors. It means that before the film can be seen, or before it can be sent from the manufacturer to the distributing agent, it must be taken and shown to the censors. Now, we have shown, and it is recognized here in the committee, that the scope of this proposed bill is such that we can not hope to get one centralized censorship, even of the prepublicity type. There is not going to be any such thing. We are going to have, first, if the bill passes, a national inspection, then a State inspection, and then a municipal inspection, and if it should become profitable to have our exhibition in the barnyard or in a country village we will have to meet the board of county supervisors. We say that that would be absolutely destructive of this industry. It would be a heavy tax upon our industry. When I say tax I do not mean a comparatively small expense of one particular board, but we have men in the present board who contribute over \$20,000 a year to censorship boards throughout the country, as they exist to-day. We know that censorship to-day is in the great minority of instances—in fact, almost all the supervision of public exhibitions that the public has to-day is controlled by local police regulations. We say that the local community in every instance should be the censor of these films, just as they should be the censor of the stage in the various communities. In answer to the suggestion that such supervision should be centralized in a commission, we say that that can not be intelligently delegated to any board of five men—

Mr. SEARS (interposing). You have already done that in this board that you have spoken of, the board in New York.

Mr. SEABURY. Well, we have already said that the national board of censors is a temporary expedient, a makeshift. There are some men here to-day who say, "Why do you subscribe to that body? Why do you pay their expenses? They are no good to us." As the situation now is, the creation of little censorship boards throughout the country is stimulated because most every small city has done that.

Mr. SEARS. Do you not think that was because the people learned that they could not place much confidence in this board?

Mr. SEABURY. No, sir. It was because the idea had percolated into the minds of those people that they were going to be given a new toy to play with, and they said, "We will tell this community what our ideas are." Now, I am no advocate of the use of improper films or productions of any kind, whether it is a matter addressed to the eye or to the ear or any other sense.

Mr. SEARS. You admit that as a private corporation you have a right to establish this board of censors because you have already established it?

Mr. SEABURY. The so-called national board?

Mr. SEARS. Yes. Now, if that be true, why have not the States a right to establish a similar board, either State, National or Government?

Mr. SEABURY. I regard it as unfortunate that the Supreme Court of the United States has decided in the case 236 U. S. that the subject of the regulation of morals in the regulation of films was a matter which was within the police power of the State to regulate, which carries with it the meaning that it is also within the governmental power of any State in that government.

Now, I direct the attention of the committee to this decision of our learned Supreme Court. This decision is hailed before this committee with great acclaim. We are told that everything is done and that there is nothing to worry about. The fact is that the Supreme Court of the United States in the first Kansas case said: "This thing comes before us by a manufacturer of film to test the validity of an act which technically does not affect him. The inhibition related to the exhibition and not to the introduction into the State of the film." In other words, the offense was with the exhibitor and not with the manufacturer. It presented the question of whether or not the film in transit was still in interstate commerce when it was being exhibited to an audience. The Supreme Court said, "We have got to reach a point where this film comes in contact with the public, and then it becomes the subject of regulation by the State and local authorities." They said, "We will not pass upon these questions, because the exhibitor is not before us." In other words, the well-known principle that has been reiterated hundreds of times by the Supreme Court is that I can not go into any court in the country and complain because this law violates Dr. Craft's rights and not my rights, because the court would say, "No. You have no standing in this court. We will wait until we hear from the doctor." Now, my only purpose in breaking in on Mr. Binder was to get a clear acceptance of our terminology. We are opposed to what we call prepublication censorship. We say that it is vicious, un-American, and unfair in every principle, and, far from feeling that the question of its propriety is foreclosed by the decision of the Supreme Court of the United States simply because the court said that when a State legislature acting within its sphere in the regulation of the morals of a particular community passed a prepublicity censorship law, it did not violate the Federal Constitution.

That case did not decide the propriety of the question. It merely held that the State had the power to regulate the morals within its borders. In this case the situation is wholly different. You are about to regulate the introduction into the States of so-called improper films after they are determined to be improper by this commission. Now, the primary thing which is sought to be controlled is the exhibition of improper films. You can not get away from that. Nobody cares particularly whether an improper film is introduced into a State, provided it is hermetically sealed and never liberated. In other words, it occasions no mark of impropriety by its physical presence. There must be a projection upon the screen before the impropriety appears. Now, I have no desire to attempt to make a fallacious argument before the committee. I realize you have the power to control transportation between States, just as you

have the power to say, "We will not permit the introduction of opium or morphine from a foreign country into this country." The same argument is applicable in this case. The introduction of the film is harmless, but the use is what you seek to prevent. You can not do that in this case, because it is wholly useless to do so.

The CHAIRMAN. Is there not now a censorship upon the importation of pictures into this country from foreign countries?

Mr. SEABURY. There is, to this extent: We have a special act prohibiting the exhibition of films showing prize fights. That is special legislation. There is another act in regard to films showing bull fights. Then we meet it in another phase of what might be termed part of our jurisprudence, and that is in the Treasury Department regulations.

The CHAIRMAN. That is what I had reference to.

Mr. SEABURY. Those questions come up in reference to the application of the tariff. So that your committee will readily realize that in the introduction of foreign films whatever is already on our statute books is sufficient to prevent the introduction of films the character of which is known. The educational features of our industry are rapidly developing. The travel features and the daily news service—formerly weekly, but now daily—where the producer goes out and takes the actual occurrence and afterwards shows it in the film, are rapidly developing. We say that you will destroy this feature altogether if you subject these films to the prepublicity censorship which you propose. Development is absolutely impossible under such a régime as you contemplate. So far as foreign films are concerned, we are dealing with a subject that requires no censorship; that is, prepublicity censorship. Now, we have recently an illustration of the extreme power of censorship in local communities in the State of New York. There was a certain film made, called "Virtue," which was advertised and heralded in many places as an improper picture—that is, I say, it is improper from my conception of it. In New York City we have no special official who acts as a censor, but we have a commissioner of licenses who has the power to revoke licenses, and if any exhibitor shows a picture which he does not think is proper and which he has ordered not to be shown, the exhibitor falls under his ban. In other words, if he said, "Do not show that picture," and the exhibitor showed it, his license is revoked.

The CHAIRMAN. Is not that a kind of censorship when he says, "Do not show that picture"?

Mr. SEABURY. Oh, no. That is only because he knows what the picture is. In other words, there is no necessity for a presubmission of the film, before it goes out to all the country, to this particular official. Now, this particular film which was advertised and heralded, as I have said—and some of the advertisement was clearly made for the purpose of creating interest in the matter—came before the board of censorship in Philadelphia and they said, "We disapprove of the film and it need not be shown." Whereupon an appeal was taken to the courts, and the court said, after seeing the picture, "That is a perfectly proper picture," and the picture was shown in Philadelphia. When it was before the Federal board of censorship in Philadelphia—

Mr. TOWNER (interposing). You do not mean Federal board, do you?

Mr. SEABURY. I mean to say it came before the local board of censorship of Pennsylvania and there the censor said, "Do not show the picture," and the appeal was taken and the court said the picture could be shown. So that the morals of Philadelphia were shattered to the extent that the people saw that picture in Philadelphia. In New York the commissioner of licenses, Mr. Bell, said, "If that picture is shown I will revoke your license." The theater was put upon the aggressive and went into court and obtained a temporary injunction, and went ahead and showed one production of the play. The commissioner of licenses went into court and the injunction was dissolved, the court holding that the play was improper and should not be shown and that the commissioner was right, and it was not shown in New York. We have this condition, that in a city where censorship exists a play is said to be immoral, and when it is brought to a city where no censorship exists the same picture is shown and declared to be proper. When we say that we do not want any censorship, that does not mean that we advocate the license which permits the exhibition of improper films to our families and our children. We are just as much opposed to that as any man present, whether he be a humble worker or a sightseer of these pictures.

Mr. TOWNER. Mr. Seabury, you believe that there is not any question but what Congress would have the power to establish this national board of censorship?

Mr. SEABURY. If by this national censorship you refer to this particular bill, I answer without hesitation that I think it is absolutely unconstitutional.

Mr. TOWNER. Well, a little while ago you said that you thought the Congress would have the power to prohibit the introduction of those pictures into interstate commerce.

Mr. SEABURY. I said that I conceded that Congress had the power, in the exercise of its power to regulate commerce among the several States and with foreign countries, to prohibit the introduction of an improper film while in use as interstate commerce.

Mr. TOWNER. Will you be kind enough to tell us, if that is your position, in what particular this bill is unconstitutional?

Mr. SEABURY. Well, I would be glad to respond to that, although we are entirely out of order in our program.

Mr. TOWNER. Do you intend to take up that question in some other part of the argument?

Mr. SEABURY. Yes, sir; because I have a delegation here——

Mr. TOWNER (interposing). Would you rather hear them now?

Mr. POWERS, of Kentucky. Just one word, Mr. Seabury. We are not here sitting as the advocates of any particular thing, and I want you to tell us frankly what is your real objection to the commission of five members. If there is anything that you have not said which is now in your mind concerning the bill, to which you object and which you think would be improper to put in this bill, I want you to tell the committee what you feel about it.

Mr. SEABURY. We are not opposed to the matter of form, but we are opposed to the fundamental principle, which is this: That you should not subject this industry or any other industry to the pre-publicity censorship which we have described. It is not a question of whether there should be five or ten or a dozen men on the commission. It is the principle that we object to.

Mr. POWERS, of Kentucky. Then you are not afraid that this commission would not do what it thought was its duty in the premises?

Mr. SEABURY. Well, I certainly would not assume that any commission appointed by the President, with the advice and consent of the Senate, could do anything other than proper.

Mr. POWERS, of Kentucky. You simply question the judgment of any five men as to what is bad or what is good in the way of motion pictures for the entire country?

Mr. SEABURY. Yes, sir.

Mr. BINDER. The next speaker is Mr. Paul H. Cromelin, of the Cosmofotofilm.

**STATEMENT OF MR. PAUL H. CROMELIN, OF COSMOFOTOFILM CO., NEW YORK.**

Mr. CROMELIN. Mr. Chairman and gentlemen of the committee, I received a special-delivery letter yesterday from Mr. Binder, asking if I would not come down to these hearings. Until this morning, coming down on the train, I had no opportunity to read the bill. I was not informed as to its provisions and did not understand what the necessity was when he asked me to come. But when I read this bill on the way down and learned for the first time that a bill now pending before Congress would have the effect of putting me out of business, I began to appreciate Mr. Binder's action in requesting me to come, and I have sought the opportunity, speaking only on behalf of myself, to say a few words in general opposition to the bill in principle, but in particular, opposition to certain sections that affect me, and which, if you will report this bill as at present drawn and enact it into law, will have the effect of destroying my business. I think it is only proper that you should have them brought to your attention, because I rather fancy you gentlemen are seeking information.

The CHAIRMAN. We are.

Mr. CROMELIN. I do not suppose you could possibly have had the intention to purposely interfere with a lawfully established business to the extent of legislating it out of business, and this is just what you do to mine for all practical purposes.

Mr. McCracken (interposing). We can not put out of business any lawfully established industry.

Mr. CROMELIN. That is what I supposed. I want to direct your attention to two or three features of the bill. Before I do it, it is proper for me to tell you that I am one of the little fellows, you might say, in the motion-picture business. I have been established here for a little over a year importing pictures from the other side. I handle the productions of the London Film Co. in this country. In reading the bill my attention was directed to sections 9 and 10, and while I do not wish to take too much of the committee's time, as I may not have the opportunity again, I will read them.

SEC. 9. That no copyright shall be issued for any film which has not previously received the certificate and seal of this commission.

SEC. 10. That no person, firm, or corporation shall carry or transport any film from one State into another State of the United States, or from any foreign country into any State of the United States, unless such film has been licensed by the commission and a true copy of the certificate accompanies it: *Provided*, That this section shall not apply to films consigned to this commission.

Now, Mr. Chairman and gentlemen, after considerable effort the Congress amended the copyright law a few years ago so as to afford copyright protection to the motion picture. In other words, a distinct classification was given to the motion picture. I have a copy of the present copyright law with me. Among other subjects of copyright mentioned in section 5; we read subsections L and M, "motion-picture photoplays and motion pictures other than photoplays." Now, what is the method provided in the copyright law for registering the copyright of a motion picture, and to what extent would the passage of this bill in its present form affect, nullify, and make valueless a copyright eventually secured of a motion picture made in a foreign country and first shown there, and to what extent would the passage of this bill deprive the citizens of foreign countries of the rights guaranteed to them by solemn treaties which our Government has entered into with foreign countries, and how would the necessity for a compliance with its requirements destroy my business by depriving me of the right to obtain a copyright until I had previously complied with new requirements incapable of fulfillment?

These are interesting questions, gentlemen.

One method of protecting the photoplay is by depositing copies. That is the method employed when copies are intended for sale. The other method is to file with the registrar of copyrights a synopsis or description of the play, with little clippings taken from the films themselves, one or more from each scene of the play, and registering a claim at that time for copyright. The latter method is that used when copies are not sold outright but are merely rented or leased, and is almost invariably used by foreign manufacturers and the citizens of foreign countries who are now entitled, under our international treaties and various proclamations by the President of the United States, to the benefit of our copyright laws.

You gentlemen, if familiar with copyright practice, know the necessity for simultaneous publication. In the event that registration of the copyright is made after publication abroad, the copyright would be valueless or, to say the least, under decisions rendered would probably not stand the test of a legal proceeding if invoked, and would be of doubtful value.

This is, therefore, the custom we usually follow: Prior to the manufacture the story is known, and therefore a synopsis can be easily written as the film is being manufactured, and as the work progresses clippings are made from each scene of the film itself. These are sent from London and registered with the synopsis, and the copyright applied for in accordance with the requirements of the United States copyright act. The copyright office grants the copyright and issues a certificate for same to the claimant. I have registered about 100 of these. The registration is made prior to the publication in England or simultaneously with the publication there, and we thus obtain a valid copyright, which gives to the owner or to his assignee all the benefits of the American laws, including the right to invoke the protection of the summary remedies it provides against infringers. Thus the owner of the copyright in a valuable motion picture, which has cost a lot of money to produce, has a valuable right in the copyright itself, which makes it possible to protect himself against any one attempting to put out a spurious imitation or

copy of his production, perhaps a counterfeit or "dupe," as it is called in the business, of his original picture itself. He is further guaranteed by having registered the copyright against any one procuring a copy of that picture abroad and shipping it into this country, and exhibiting it or causing it to be exhibited, thus destroying the value of his property. I trust I have made clear to your honorable committee the value of obtaining such copyrights. Having done so, I can go to a big distributor, such as the Universal, Paramount, or any other such company, and offer them a feature production for which we can convey to them exclusive rights.

Now, in reference to section 9 of the bill the only way by which the seal and certificate of this commission can be obtained is by first submitting to the commission the complete picture in order that they may have the opportunity to screen it and pass upon its suitability for a general presentation in the United States. It is to become a criminal offense to bring it in unless the proposed seal accompanies it, and in the meantime if it is shown abroad while the members of this commission proposed to be set up is censoring it, the copyright eventually granted would not be worth the paper it is written on, and the value of the property so far as copyright is concerned absolutely ruined. Now, gentlemen of the committee, I submit that those of you who are familiar with our copyright statutes and with the proclamations which have been made from time to time and whereby we grant to citizens of other countries all the rights and privileges that are accorded to American citizens in consideration for the rights which are granted by these countries to our citizens, I submit to you that if you pass this law, in its present shape at least, you can only do so by stirring up a hornet's nest, and by depriving the right to the protection of our copyright law to foreign citizens in the only way the copyrights on films can be of any value, upsetting existing treaties and making nugatory presidential proclamations and provoking reprisals, and I do not believe that you have any such intention. As a matter of fact I can not conceive who could have originated the idea to insert into a bill of this kind this section relating to copyrights.

Now, in regard to section 10, let us suppose a film has been manufactured in England, based upon a work by Sir Arthur Conan Doyle, the copyright to which we wish to protect in the United States for the reason that we have paid large sums of money not only to secure the exclusive rights in England but also in America. We wish to hold back its actual distribution in the United States until such time as conditions in this country make it more marketable over here. Under the present law we copyright it in the usual manner, as I have told you. It may be months or years before it is ready to be released here. If your bill goes into effect the owner in England must withhold it from the English market and every other market in the world when it is finished, tying up thousands of dollars invested, send his finished copy to Washington, wait until the commission has passed upon it, and perhaps they will then order it altered or remade in parts. Of course he don't have to do so; he may put it out in England or sell a print for Australia, but if he does he is deprived forever of the opportunity of getting a valid copyright which would be of any value in this country. I protest most strongly against any

such clause, and against any scheme or plan to interfere with or conflict with the performance by the Copyright Office of its usual administration duties in granting the copyrights, and broadly against any section relating to copyright remaining in your bill.

Mr. FESS. Who would want to copyright any film without being possessed with authority to distribute it by the board of censors?

Mr. CROMELIN. The motion picture might not come to the United States for many months afterwards. The United States copyright would have no value in this country if the picture had been published in another country prior to securing a copyright here.

Mr. FESS. What could you do with it if you could not distribute it?

Mr. CROMELIN. You might secure your copyright and wait until you felt the time had come when you were ready to market it here. If, in the worst event, you passed a bill such as we are now considering with the copyright clause omitted, a future Congress might legislate your board of censors out of existence or amend the law, but your right of property and your copyright have not been destroyed.

The first films which I brought into this country was based upon "Rodney Stone," a well-known novel by Sir Arthur Conan Doyle. It was dramatized under the name of "The House of Temperley." As a drama it was played with great success in London, running for over a year in one theater. The story ends in a prize fight for a large sum of money and the fortunes and reputation of the "House of Temperley" are at stake. The story is of an early period in England when boxing was even more in favor than now. The match is arranged and a servant of Sir Charles Temperley is training to fight, but is kidnapped by paid emissaries of his opponent, driven away, and prevented from appearing at the appointed time. The fight is about to be lost by forfeit when a young brother of Sir Charles throws his hat in the ring, enters, and wins the fight.

The London Film Co. purchased the right to film the story, and in due course it appeared and a print was sent to this country. The question arose as to whether or not the Federal authorities would permit us to bring it into the United States. They decided that it was not a prize fight in the sense of the law, that no such prize fight had ever taken place, but it was merely an incident—a climax to the story. Eventually prints were distributed; it was shown all over the United States. The local censor board, however, in the city of Chicago refused to permit it to be shown, and so far as Chicago was concerned the value was destroyed. Everywhere else in Illinois there was no objection. I do not know what has brought it about, but a change of heart seems to have taken place on the part of those persons who previously prevented its being seen in Chicago, and they are now permitting the "House of Temperley," one of the cleanest and most wholesome motion pictures ever made, to be shown there. I tell you this, in reply to your question, in order to show you that a film, the value of which was temporarily impaired, has been reason of a change of heart of the censors become a valuable production. Under our law a copyright is granted for 28 years with a 14-year extension—

Mr. TOWNER (interposing). Supposing the committee should desire to report a bill, what would be your suggestion as to the method of meeting your objections to the bill?

Mr. CROMELIN. I do not care to take your time at this late hour to attempt to reply in detail as to the various objectional features in the bill, but when I hurriedly read it coming down on the train, I happened to have a copy of the copyright law in my possession, and also a copy of the treaty of the United States with the Pan American Republics, executed in Buenos Aires, August 11, 1910. Here is one thing which struck me right away—section 3 of this Pan American convention, which, as you know, has been ratified by the United States and is now in force and binding on the United States in respect to all those countries signatory thereto, reads

Acknowledgment of a copyright obtained in one State in conformity with its laws shall produce its effect of full right in all the other States without the necessity of complying with any other formality: *Provided, always,* There shall appear in the work a statement that indicates the reservation of the property rights.

Now, under our laws there are many formalities. We must print a notice in the printed work that it is copyrighted, with the year and name of claimant, and there are clauses requiring the books to be printed and bound in the United States, and other requirements. You probably know that no such formalities exist in many of the countries signatory to the Berne Union since it was last amended by the Berlin convention. England and many other great nations have abolished all formalities in the matter of granting copyright. In England to-day the mere printing of a book or the making of a film confers a copyright on the owner, without any application whatsoever. All registration at Stationers Hall has been abolished. The United States, while not a member of the Berne Union, has established reciprocal relations with England, France, Germany, and practically all of the great nations, in addition to being bound by the Pan American convention referred to, and, so far as the countries which have ratified are concerned, and those which may hereafter ratify it, we could not pass this proposed censor bill as drawn and require them to comply with our formalities before granting them copyright without violating our sacred obligation under the convention.

Mr. TOWNER. An American film going over to Great Britain is not subjected to any censorship.

Mr. CROMELIN. We are talking about copyright.

Mr. TOWNER. Well, all films are copyrighted, are they not?

Mr. CROMELIN. No, sir.

Mr. TOWNER. American films?

Mr. CROMELIN. No, sir. A great many are not, but at the present time the American film, which has been properly copyrighted under our laws, has had conferred upon it all the benefits of the English act without any formalities whatever.

Mr. TOWNER. The English act requires censorship?

Mr. CROMELIN. What English act?

Mr. TOWNER. Does not the English act regarding the moving-picture films require censorship?

Mr. CROMELIN. There is no such act. Let me ask you to kindly tell me what statute it is.

Mr. TOWNER. I was so informed.

Mr. CROMELIN. England has no such statute.

**Dr. CRAFTS.** Mr. Bush says that Mr. Rexford is exercising censorship over motion pictures by agreement. That is a censorship of theaters.

**Mr. CROMELIN.** I did not intend to be sidetracked from the subject of copyright in the few minutes remaining for me to speak. I am appealing to you not to insert this copyrighted clause into the bill until you have had an opportunity to verify my statements and examine the subject more closely.

**Dr. CRAFTS.** But Mr. Rexford—

**Mr. CROMELIN** (interposing). That is Mr. Redford. He is not the censor of plays any longer. He is the head of a voluntary board of censors in England which was organized by the manufacturers themselves. It has no legal status whatsoever. As the representative of the Edison Co. in England at that time, it was my duty to appear before Hon. Reginald McKenna, then the home secretary, to present to him certain views of film manufacturers in regard to motion pictures. We voluntarily organized that board. It has no sanction of Government now and never did have; and it is in existence to-day merely by reason of a voluntary agreement on the part of the British manufacturers and those importing motion pictures into the United Kingdom. We looked upon it as an auxiliary to our own careful scrutiny of the picture. We never make a picture without viewing it from every angle, because we know that if it does offend anybody it will reflect upon us. The so-called British board of film censors in England, I regret to say, has not had the unanimous support of the various cities. In most cities its standards are accepted, but in several places, including Manchester, pictures which the British board has passed have been stopped by the local authorities. In such cases the picture would be shown once, and if considered improper the local police board or licensing authorities would act.

**The CHAIRMAN.** Therefore the national board of censorship in England is similar to the national board of censorship in New York?

**Mr. CROMELIN.** There is no legalized form of censorship of motion pictures in England to-day, and never was.

**The CHAIRMAN.** There is no national censorship here in the United States, is there?

**Mr. CROMELIN.** No; except as an auxiliary to the censorship of the respective companies themselves. As I said before, I am appearing only for myself, and I have no authority to speak for others, but it is proper to say I have been connected with the motion-picture industry in one way or another from its very inception, and have handled American pictures on the other side, introducing them in Europe, as I am now bringing English pictures into this country.

**Mr. P. A. Powers** says that every effort is being made by the manufacturers not to put out pictures that will in any way offend. I know of my own personal knowledge, broadly speaking, this is so. If any organization, however, of citizens, acting in the interest of decency, morality, and clean living, call them what you will—board of censors or board of standards—voluntarily cooperate and take the time to view pictures, working through voluntary committees, advised a manufacturer that "it is best to cut out this or change that, not to put out such and such a picture at all," while its decisions and

recommendations would not have the effect of law, still most manufacturers who are jealous of their reputations and for the industry, would be very glad to cooperate and to work with them.

I remember one picture that the Edison Co. made and sent me in England from this country, the only picture of mine that was ever censored by the British board. That was a picture called "The Dream of the Welsh Rabbit Fiend." It showed a man who, after a Welsh rabbit, sat in front of an open-grate fire, and went to sleep; in his sleep he had a dream; he dreamed he was seeking two old friends who had gone to the great beyond. In this dream there was an enormous sea in the form of a wavy Welsh rabbit, and he was transported on it, up, up, up, up to the gates of heaven. Naturally, there was some slapstick comedy, and nonsensical scenes in his dream showing the gates of heaven. Our friend knocked and St. Peter appeared holding the keys, and told him his friends were not there, suggesting that they must be below. He finally journeys to the lower regions, where he is met at the entrance by his satanic majesty and numerous little devils, is warmly welcomed, and finds his friends. While near a very fiery furnace the dreamer awakes to find his boots just about to catch on fire from the grate. The board of censors said that it might be rather a foolish objection, but it did not seem to them to be proper to make any picture, even in a crazy dream, portraying the gates of heaven. "We know," said they, "that it is so ridiculous nobody ought to take offense at it, but still there are some people with strong religious convictions who might object, and others in England who would be offended by it." I said, "Far be it from me to question your ruling, for if there is anybody who would object to such a picture, I would much prefer to cut this scene out than to have it in, although I can not agree, seeing it is only a dream, that there is anything wrong in it." The chief censor, while agreeing personally, advised to "cut it out." "Give them all the hell you want," said he, "but cut out the gates of heaven." [Laughter.]

We eliminated the scenes objected to, and fortunately the film in this case, as offered, was not spoiled by the cut. The British public got the hell side, but never saw the heavenly portions of the dream.

The CHAIRMAN. In order that we may be absolutely just, we asked the manufacturers to present a bill, because we wished to be thoroughly just and fairly informed as to what their ideas were regarding censorship if a bill of that kind is passed. We have asked them time and time again, but no such bill has been presented.

Mr. BINDER. There is a substitute that has been drawn up. The proposition was to amend section 245 of the present penal code by adding the words "or any motion-picture film." That section makes it a crime for any transportation company to transport in interstate commerce any picture or print or object which is in any way improper. It also covers the man who sends it and the one who receives it.

The CHAIRMAN. Who is the judge of whether it is proper or improper?

Mr. CROMELIN. The same authorities that judge whether the mails are being improperly used or any common carrier is being used to transport anything indecent, obscene, or coming within the prohibition in the present Federal Criminal Code. We will prepare and submit such an amendment to the committee.

The CHAIRMAN. Now, Judge Towner asked you to make a suggestion as to wherein this would injure or affect your company if this bill were passed.

Mr. CROMELIN. The hour, Mr. Chairman, is very late, and I have only a few minutes left; I had not intended to stay over, but now that I am back to my home city again, and have learned what is in your bill, you could not drive me out of Washington, and I propose to remain here until these hearings are over. I think, if I had the time to show you how the present bill injures or affects me and how it, if passed as at present drawn, would ruin the motion-picture business, it would have to be so altered and amended by you that you could not recognize it, and there would not be much use of going forward with this particular bill. I am opposed to the whole idea of Federal censorship on principle. I don't think it is any function of the Federal Government to censor motion-picture films. But in regard to the present bill, let us take section 10 and read it carefully. Now what is a film? The Eastman Kodak Co. makes millions of feet of film every week. Under this bill you would subject them to a fine of \$500 or imprisonment, or both, for the transfer of 1 foot of that film—not motion pictures, not film containing motion pictures, but film—because the prohibition in the paragraph of the bill says distinctly film. It does not say film containing motion pictures, but merely film. I do not know who the parties are who have been promoting this bill, but they have certainly made criminally punishable the sale in interstate commerce of a very innocent material of great commercial utility when they use such careless language in drafting it.

Mr. TOWNER. Mr. Cromelin, is that the way you tear this bill all to pieces?

Mr. CROMELIN. No, sir; not alone in this way.

Mr. TOWNER. Are the rest of your legal objections as strong as the one you have just urged?

Mr. CROMELIN. No; I would not attempt to use up your time to argue from this standpoint. I merely direct your attention to it, however.

Mr. TOWNER. I understand that you are objecting to this proposition upon the standpoint of law?

Mr. CROMELIN. I say that if you make it a criminal offense to transport an article from one State to another and do not describe it as a picture but as a film, when the thing you desire to regulate is a motion picture, the courts will surely be called upon to construe it.

Mr. TOWNER. I suppose you know that the ordinary rule of interpretation of statutes is that you do not have to repeat in a particular section of an act or bill the entire words used in the first part of the measure. The whole bill is in regard to motion-picture films and no other kind of film.

Mr. CROMELIN. From a hasty examination of the bill, I am under the impression the words "motion-picture film" are not used in any part of the bill prior to this.

Mr. TOWNER. Well, I did not know about that.

Mr. CROMELIN. Some time ago I had occasion to make a motion picture of my wife and children. They did not know that they were being photographed. It is entirely possible that if the picture proved

attractive, and something that might be sold later on, in a new form of motion pictures which are intended for the home, the pictures, when completed, being done on a cheap paper, costing 25 cents or 50 cents—I say it is entirely possible, under section 10 of your bill, that it would be a criminal action to transport it from one State to another in the United States without first sending it to your Federal commission, have it given a seal, costing \$1, and paying 50 cents additional for every duplicate sold, although the picture itself might be sold for 25 or 50 cents. This may not be your intention, but I point out that it is so. I take it for granted that if you see that it is so that you will amend the bill accordingly.

The CHAIRMAN. We wish the bill to be absolutely just and absolutely clear, and for that reason we called upon you gentlemen to aid us to perfect it.

Mr. CROMELIN. I thank you, Mr. Chairman, I take it for granted that you want to get the help of business men.

The CHAIRMAN. We do.

Mr. CROMELIN. I will not take up your time any further to-night, but if not heard later will supplement my remarks with a written statement. I thank you.

The CHAIRMAN. The time for adjournment has arrived. The committee will stand adjourned until to-morrow night at 8 o'clock.

(Submitted by Mr. W. F. Crafts:)

Supreme Court of the United States. No. 644, October term, 1915. L. Lawrence Weber, appellant, v. Frederick S. Freed, deputy collector of United States customs in charge of the Port of Newark, N. J. Appeal from the District Court of the United States for the District of New Jersey. (Dec. 13, 1915.)

Mr. Chief Justice White delivered the opinion of the court.

The act of July 31, 1912 (sec. 1, chap. 263, 37 Stat., 240), makes it unlawful "To bring or to cause to be brought into the United States from abroad, any film or other pictorial representation of any prize fight or encounter of pugilists, under whatever name, which is designed to be used or may be used for purposes of public exhibition." With this provision in force, in April, 1915, the appellant brought to the port of entry of the city of Newark, in the State of New Jersey, photographic films of a pugilistic encounter or prize fight which had taken place at Habana and demanded of the deputy collector of customs in charge the right to enter the films. On refusal of the official to permit the entry appellant filed his bill of complaint to enforce the right to enter by a mandatory injunction and by other appropriate relief to accomplish the purpose in view. The ground relied on for the relief was the averment that the prohibition of the act of Congress in question was repugnant to the Constitution, because in enacting the same, "Congress exceeded its designated powers under the Constitution of the United States and attempted, under the guise of its powers under the commerce clause, to exercise the police power expressly reserved in the States." The collector moved to dismiss on the ground that the bill stated no cause of action, because the assailed provision of the act of Congress was constitutional, and therefore on the face of the bill there was no jurisdiction to award the relief sought.

The motion was sustained and a decree of dismissal was rendered, and it is this decree which it is sought to reverse by the appeal which is before us, the propositions relied upon to accomplish that result but reiterating in various forms of statement the contention as to the repugnancy to the Constitution of the provision of the act of Congress. But in view of the complete power of Congress over foreign commerce and its authority to prohibit the introduction of foreign articles recognized and enforced by many previous decisions of this court, "the contentions are so devoid of merit as to cause them to be frivolous." *Buttfield v. Stranahan* (192 U. S., 470), *The Abby Dodge* (223 U. S., 166, 176), *Brolan v. United States* (236 U. S., 216).

It is true that it is sought to take this case out of the long-recognized rule by the proposition that it has no application because the assailed provision was

enacted to regulate the exhibition of photographic films of prize fights in the United States and hence it must be treated not as prohibiting the introduction of the films, but as forbidding the public exhibition of the films after they are brought in—a subject to which, it is insisted, the power of Congress does not extend. But aside from the fictitious assumption on which the proposition is based, it is obviously only another form of denying the power of Congress to prohibit, since if the imaginary premise and proposition based on it were acceded to, the contention would inevitably result in denying the power in Congress to prohibit importation as to every article which after importation would be subject to any use whatever. Moreover, the proposition plainly is wanting in merit, since it rests upon the erroneous assumption that the motive of Congress in exerting its plenary power may be taken into view for the purpose of refusing to give effect to such power when exercised. *Doyle v. Continental Ins. Co.* (94 U. S., 535, 541), *McCray v. United States* (195 U. S., 27, 53–59), *Calder v. Michigan* (218 U. S., 591, 598).

Affirmed.

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COMMITTEE ON EDUCATION,  
HOUSE OF REPRESENTATIVES,  
*Friday, January 14, 1916.*

The committee met at 8 o'clock p. m., Hon. Dudley M. Hughes (chairman) presiding.

The CHAIRMAN. Dr. Cox, who represents the New York Board of Censors, requested that he be heard to-night, and as Mr. Binder has control of the time, he will, I presume, now grant him a hearing.

Mr. BINDER. It will afford me great pleasure to accede to that request, with the understanding that not more than 25 minutes be consumed in the argument of both speakers.

Dr. Cox. I wish to yield my time to Mr. Brenton, volunteer chairman of the national board of censorship, and Mr. Morse, of the mayor's conference.

**STATEMENT OF REV. CRANSTON BRENTON, VOLUNTEER CHAIRMAN OF THE NATIONAL BOARD OF CENSORSHIP, NEW YORK CITY.**

Dr. BRENTON. Mr. Chairman and gentlemen of the committee, my name is Cranston Brenton. I am engaged in social work for which I receive no compensation. I am incidentally a clergyman of the Episcopal Church. For 10 years I was on the faculty of Trinity College at Hartford, Conn., where I incidentally taught dramatic criticism and dramatic literature. I have been executive secretary of the social service commission of the diocese of New York, and I have had charge of the war-relief work of the Red Cross in New York. I am volunteer chairman of the national board of censorship. I am a member of the national board of censorship because as an educator I believe the motion picture to be the greatest single educational influence in the United States at the present time, because as a social worker I see it touch almost every phase of social life, because as a man who has tried to preach righteousness I see in it unlimited powers for good and the teaching of righteousness. I wish to say that I am speaking for the national board of censorship, but I do not wish it to be understood that all of the members of the board are necessarily pledged to agree in detail with all I say, although they will agree with me in principle.

Please let me say to begin with that I, as an individual, am absolutely opposed to any form of prepublicity censorship. I believe it

to be undemocratic and un-American, and contrary to the principles of our Government, if not directly in itself unconstitutional. I feel that as a clergyman if I had to preach a sermon I would have a perfect right to do that. Nobody would come to me—to my study—and demand to see my manuscript. If I wish to put that sermon in the form of a lecture I might do so without being obliged to rehearse it before a body of men. I might possibly put it in the form of a play. No one would say it should be submitted to censors before produced. I would claim the same right, as an American citizen, to put that sermon, story, play, or whatever it was, upon the screen without submitting it first to a legalized body of censors, knowing full well that if I should in any way, inadvertently or maliciously, place in that story anything that was in any degree evil, so that it could be called corruptive of the morals in the community, that every police official, every mayor, every board throughout the country representing a civic unit, would have a right to stop that and to prosecute me for violating the law.

I can not express too strongly, then, my disbelief in prepublicity legalized censorship. Apparently, then, I am standing before you in an anomalous situation, as the chairman of a national board of censorship. Let me say that there is some misunderstanding in regard to that word censorship. It has changed its meaning somewhat in the past few years since it was first used. I do not in any way contend for that name. It may be wrong. If it is wrong and misleading, it should be changed. The national board of censorship is not a legalized body. It is a voluntary organization which enters into a voluntary relationship with the manufacturers. And might I say, for the benefit of those who were here last evening, that some misapprehension exists in regard to what the national board is, even in the minds of some of those who represent the motion-picture trade. We are not a self-appointed body. We have never gone to the motion-picture trade asking for money with our hat in our hand. The motion-picture manufacturers about seven years ago asked that this board be formed. We receive the large part of our support from the board. I am using the word board by mistake. We receive our money from the motion-picture manufacturers for the most part. We do that by a voluntary agreement, as I say. We say to them that it costs us so much to administer our work. If it is valuable to them they may pay us, and if not we will not continue with the work, because we can not. That is our relation with the men who produce pictures. We are not a legalized body. We have no legal standing, but our power is stronger than any power that may come through a legalized body. It is the power of a moral agreement, a voluntary agreement, which you students of economics will realize is the ideal of law.

Mr. FESS. Mr. Chairman, this committee is here to get information. It would not be regarded at all any discredit for us to interrupt when we want to. The reverend gentleman has made several statements that I would like to question him upon while he is going on.

The CHAIRMAN. Doctor, you do not object to an interruption?

Dr. BRENTON. No, sir. Possibly it might save time for the questions to be asked after I finish, although, of course, it is entirely at your pleasure.

Mr. FESS. I think the committee ought to say whether we get the information directly or whether we listen simply to speeches.

Dr. BRENTON. I am here solely at your disposal.

Mr. FESS. I understood you to say that you are serving without salary?

Dr. BRENTON. Yes, sir.

Mr. FESS. Then why do you speak of the support?

Dr. BRENTON. I was going to take up that point the very next moment. I am hoping to cover that point. That was the very next point I was going to take up, if I may proceed.

Mr. FESS. All right.

Dr. BRENTON. It is necessary for us to have an executive staff to manage our work. We have a number of paid secretaries. We have, of course, stenographers. We have to pay office men and telephone bills, and so on. But no person who receives 1 cent in the national board of censorship has any voice whatsoever in the passing on any picture.

Now, it has been intimated, to speak frankly, that we are in a sense creatures of the motion-picture industry; that we are controlled by them. It was suggested by Dr. Crafts last night that that was the case. I would like to suggest that the doctor probably has a staff in his office. We can not assume that he is controlled by that staff. He receives a salary for his social work. We 225 members of the national board of censorship receive no salary whatsoever. We do not even receive our car fare as we go back and forth to the projecting room. Then, you have a paid clerk of this committee, and no one would assume that you gentlemen were controlled by the man or by the men who do your executive work. No one who receives 1 cent of money has any voice whatsoever in our board or has ever had any voice whatsoever in the passing of a single film. We are a clearly voluntary board in that sense. Do I answer your question?

Mr. FESS. Yes.

Mr. SEARS. One of the gentlemen representing a picture company stated that you were paid.

Dr. BRENTON. I think possibly you misunderstood him; if he said that we were paid he meant that the secretaries were paid.

Mr. SEARS. Well, he said that this board came to them until they were forced to hire you and that you were in their employ. I simply wanted to get that question straight.

Dr. BRENTON. Well, that is a misstatement, sir. Let me repeat again. I, as executive officer of the board, have never received 1 cent.

Mr. SEARS. I am not doubting that at all.

Dr. BRENTON. And no member of the board has ever received 1 cent. No part of the staff receives compensation.

Mr. POWERS, of Kentucky. Are these 225 men scattered over the various States throughout the Union?

Dr. BRENTON. Not the 225 who do the actual censoring in New York. They are residents in and about New York. We have a national advisory committee which is scattered throughout the United States. We have 287 mayors and city officials who accept our bulletins and adopt our procedure in regard to their motion pictures. We have several informal correspondents who check up the work of the

national board throughout the United States. In that sense we are a national board. The difference between our censorship, if I may use that objectionable term, and prepublication-legalized censorship is this: We are a board—you may call us editors, or a board of review, or anything you like. The manufacturers throughout the country submit to us in New York their entire output. We are seeing 99 per cent of all the films that are exhibited in the United States to-day. Might I tell you our procedure? One of our boards is composed of 188 members. We call them censoring committees. They hold every month 115 meetings.

When they view a picture and feel that there is any question about its being shown publicly and are not willing to pass it for us, they call in another group. If, after their deliberations, any single member of that group—the secretary who is in charge or the manufacturer is dissatisfied with the ruling of that censoring group—they can appeal to our general committee, which is composed of 37 members picked from representatives of all sorts and kinds of social organizations. That board of review, called the general committee, sees the film, and a representative of the manufacturer's committee is present and the objection is stated. The manufacturer is also heard and finally the picture is disposed of. The manufacturers of motion pictures have never appealed from the final decision of that court, whereas they have appealed time and time again from the decisions of legalized censorship boards throughout the United States.

Mr. FESS. Does not that mean that your decisions are satisfactory to them?

Dr. BRENTON. It means that our decisions are satisfactory to them, yes. It also means, we believe, that when a film has filtered down through our system and is finally released by us that that film contains nothing that could be called in any way conducive to evil, or that could in any way be considered to be immoral or indecent or unfit to be shown.

I challenge Dr. Crafts, if he is here to-night, and I challenge anybody upon this floor to show, in the course of the past seven years, since we have been in operation, any single film that they could bring to this body to-night and convince you that it is indecent, immoral, and unfit to be shown. If they could possibly mention the name of one film, I would defy them still further to prove to you by citations from that film that anything in that film comes under the provisions of this bill and could be excluded under this bill. You have a very elastic provision in this bill which defines without defining what shall be excluded.

That, I believe, is the record of the National Board of Censorship.

Mr. SEARS. Some films have been stopped in various towns and cities.

Dr. BRENTON. Some films have been stopped, but we contend that is a matter of opinion, a matter of local prejudice, and that they did not fall under the provisions of this bill.

I have one final point which I wish to make which is all important. That is the question of the effect of films on children. Now, if the children did not see the motion pictures I believe that you would quite agree with me that there would be no excuse whatsoever for any board of regulation or any Federal board of censors. We would

not presume to tell the adult men and women of the United States what they should or should not see. You propose to censor films so that it will be safe for children to see them. I wish to say that it is quite possible that we may be exercising paternalism in this matter which is not warranted; that it is the province of the various communities to say that children should be excluded from places where possibly they should not go. We have no right to take from the responsibility of the parents this duty and place it on the State.

But let me pass to this consideration. You are frankly going to censor films so that they will be suitable for the child of 12, 14, or 16 years to see them. If you fail to do that, you defeat the features of your censorship board. If you do censor for the child of 12, and reduce all films to the level of the child of 12, 14, or 16, you will send out a program of films that would be so insipid that it would be intolerable to the public. You would prevent the American people from seeing on the films those great plays that stir the passion of men, that stir the heart and soul of humanity, and that are his right and privilege and duty to see. If you do that, many of those films might not be suited to the child of tender years; but if you do not do it, then you will not have been true to the purpose of your bill. You are bringing about the possibility of that dilemma where you make the film program so insipid that it would be rejected by the trustees of a Sunday-school library of 50 years ago, and the American public will rise with scorn and sweep from the boards an organization which tried to regulate the great motion-picture industry down to a condition of that kind.

Now, one more thing. The only way you can possibly regulate the question of children's programs is destructively. You can prevent films from getting on the screen. The national board of censors can do something different. All through the United States we are trying to educate the parents of children through hundreds of mothers' organizations and social organizations and societies, to educate the public to the point where they will demand children's programs. The national board of censorship has recently published series of titles which in its judgment are suitable for children's programs. That is something which the legalized board could not do, as they would be open to the charge of discrimination. The national board is building up a constructive policy for the children of the United States. I urge you to consider very carefully the advisability of legislation in the interest of children which would reduce motion pictures to a supposedly innocuous level.

The CHAIRMAN. Doctor, we would like to ask you a few questions. You favor this board because of the educational and moral influence upon the audience?

Dr. BRENTON. Yes, sir.

The CHAIRMAN. Do you believe that, without this New York board, that immoral pictures would be exhibited?

Dr. BRENTON. I believe that immoral pictures would not be exhibited. I am opposed to legalized censorship because it assumes that the motion-picture industry is evil. It assumes that it is necessary to censor their output, which I consider an insult to the fifth great industry in the United States, as big as the steel industry. It is as though you said the steel industry was putting out rails that were assumed to be defective and you would have to see every

one of them before you would allow them to be used in the United States.

The CHAIRMAN. Right there, you believe there would be moral pictures even without the national board?

Dr. BRENTON. I trust the producer to the extent that I do not believe gentlemen would produce immoral pictures.

The CHAIRMAN. Then what is the use of your board?

Dr. BRENTON. The use of our board is as an advisory board. The use of our board is to protect the industry against the possibility of such things being turned out by irresponsible persons. Of course, that would be stopped by the local authorities.

The CHAIRMAN. Now, doctor, you will excuse us for asking these questions, but we ask for information.

Dr. BRENTON. Surely. I shall be glad to have you ask questions. Please do.

The CHAIRMAN. Now, we have understood until this evening that there were only about 95 per cent of the pictures which were presented to your board. Now, that would leave 5 per cent of pictures that could be had?

Mr. POWERS, of Kentucky. He said 99 per cent to-night.

Dr. BRENTON. Oh, yes; 99 per cent. We know the number of films that are issued in the United States, and we know the number that we see. We saw last year 9,750 films. We can check up all the films that are produced in the United States.

The CHAIRMAN. Then up to this evening this committee understood that there were 95 per cent only that were censored by your board?

Dr. BRENTON. Yes.

The CHAIRMAN. Now, if that is true, there is 5 per cent of bad pictures that can be presented at the various theaters and halls?

Dr. BRENTON. It does not mean necessarily that they are bad if we do not see them.

The CHAIRMAN. Well, they may be bad after they are seen.

Dr. BRENTON. If they are bad after they are seen, then it is the responsibility of the local community to look out for that with their police.

The CHAIRMAN. Now, Doctor, do you not think that 100 per cent of these pictures ought to be censored by your board—that they all ought to be censored?

Dr. BRENTON. Not necessarily. We feel that we do see all of them, with the exception, possibly, of some of the foreign films, and even some of those are seen by us.

The CHAIRMAN. Is there any plan by which 100 per cent of them can be censored without some legal authority?

Dr. BRENTON. I do not believe that even with legal authority you could see all the films that were produced in the country.

The CHAIRMAN. I believe you admit that your board is without any authority whatsoever?

Dr. BRENTON. Except an authority which we claim to be stronger than mere legal authority, because it is moral authority, an authority that is controlled entirely by a voluntary agreement.

The CHAIRMAN. Now, would you be willing, Doctor, as a minister of the gospel, that 5 per cent of these pictures which might be bad should be passed and presented to the public?

Dr. BRENTON. The 1 per cent we claim?

The CHAIRMAN. Well, 1 per cent?

Dr. BRENTON. I should be quite willing to trust the mayors and the police officials of the various communities to take care of that 1 per cent.

Mr. SEARS. Then why is it necessary to put on these pictures "Passed by the national board of censors"?

Dr. BRENTON. It is not necessary. It is merely our official insignia to show that they have been reviewed.

Mr. SEARS. Does the board look at all the pictures that are put on the screen?

Dr. BRENTON. We do not pass all the pictures, by any means.

Mr. SEARS. Well, I mean those that get out to the public are passed in some way by this board?

Dr. BRENTON. Yes; that is true.

Mr. SEARS. Has that been the case for—how many years?

Dr. BRENTON. Nearly seven years. I do not know the percentages for the first few years, because I was not with them in the beginning.

Mr. SEARS. But every one that has been marked, "Passed by the national board of censors"?

Dr. BRENTON. Every one that has been marked in that way has been seen and passed by our board.

Mr. POWERS, of Kentucky. The evidence before our committee last year pointed out that about 95 per cent of these various films were passed upon by your board. You now make the statement that it is 99 per cent?

Dr. BRENTON. Yes, sir.

Mr. POWERS, of Kentucky. You have a way of determining the accuracy of your statement?

Dr. BRENTON. Absolutely; because we are in constant communication with the entire trade, and we know the output.

Mr. POWERS, of Kentucky. And as I understand you, further, one of your main objections to the formation of this commission is that it assumes that those engaged in the making of pictures and in the picture business are guilty and going to do wrong before the act is done?

Dr. BRENTON. Yes; that is a fact.

Mr. ABERCROMBIE. I would like to ask you one question.

Mr. BINDER. The time has expired, and unless it is extended I will object.

The CHAIRMAN. It will be extended.

Mr. ABERCROMBIE. I infer that your board does approve many pictures that might be considered not good for children?

Dr. BRENTON. Quite possibly; yes, sir.

Mr. ABERCROMBIE. Your idea is that the local community ought to take charge of that matter?

Dr. BRENTON. And, as you realize, it is a vast matter to do—having laws prohibiting children unaccompanied by parents.

Mr. ABERCROMBIE. Would it not be possible for your board to approve two classes of pictures; one for adults and another for adults and children?

Dr. BRENTON. As I say, we do that in an unofficial way, as is shown by this printed slip that I have.

Mr. ABERCROMBIE. Why do you not do it in an official way, so as to let the public know what is to be expected?

Dr. BRENTON. Well, we do in an official and public way, and the whole public knows or can know what we approve of in this way.

Mr. ABERCROMBIE. Would it not be entirely feasible for you to mark one set of pictures approved for children and another set approved for adults?

Dr. BRENTON. It would be quite feasible.

Mr. ABERCROMBIE. Would it not be advisable?

Dr. BRENTON. I hate to commit the board by saying one thing or the other. It might be advisable, offhand, and I see no valid reason for not doing so.

Mr. ABERCROMBIE. Has your board ever considered the advisability of doing it?

Dr. BRENTON. Oh, yes; it has been considered. We have a committee on children's pictures. The children are our very first concern. If there were no children to be considered there would be no national board of review.

Mr. DOUGHTON. Do I understand you to take the position that the manufacturers can not produce pictures that would be suitable and harmless to children and at the same time interesting and attractive to adults?

Dr. BRENTON. In the long run I feel that that would be impossible, because you would be obliged to exclude the great fundamental themes of life, which children do not understand, or, if they do understand, can not digest, not necessarily that they would be harmful to children, but in a general sense unsuitable for them.

Mr. DOUGHTON. Is not that a reason why there should be something done now toward that proposition?

Dr. BRENTON. We are working all the time toward development along that line. It is a campaign of education and development toward that point, where parents and communities will take the responsibility, where primarily the parents will be responsible and not merely give the child a nickel and turn the child off and let him see whatever he will see. Primarily the responsibility is with the parent.

Mr. DOUGHTON. You admit that there ought to be something done for the child, and you say that ought to rest on the parent.

Dr. BRENTON. Quite properly; yes.

Mr. SEARS. When the parent goes with the child and has to see the picture first, how can he tell?

Dr. BRENTON. It is quite possible for the children's parents to know what houses are suitable and what programs are suitable for the children. It is just the same as going to the theater or anywhere else.

Mr. FESS. When do you see the picture?

Dr. BRENTON. Personally?

Mr. FESS. Yes; your board.

Dr. BRENTON. We see the pictures always before the public sees them, because we act in this advisory capacity.

Mr. FESS. Is not that prepublicity censorship?

Dr. BRENTON. It is prepublicity editing and review and advice, but not prepublicity censorship.

Mr. FESS. Why do you object to this, then?

Dr. BRENTON. Because we have no legal standing to enforce our decisions.

Mr. FESS. I see; it does not make any difference at all, because you can violate it just as easily afterwards as before, but you could not if it was legal, could you?

Dr. BRENTON. But if you assume that men are going to be evil and if they are going to try to go against the decision of this board—but let me repeat again: The good faith of the motion-picture industry is shown by the fact that they do not contest our decisions although in 1914 we advised taking off the screen films to the value of over half a million dollars to the industry.

Mr. FESS. And how effective is that advice?

Dr. BRENTON. That advice was followed absolutely to the letter, to the extent of every inch of film that we turned down, and the motion picture lost in sales and profits over half a million dollars. There is no better evidence of the feeling in the motion-picture industry toward this board.

Mr. FESS. Do you think there is no possible suspicion that a man selected by a manufacturer to decide whether it is good or bad, and in the employ of that manufacturer—is there no suspicion to surround his decision at all?

Dr. BRENTON. But who is in the employ of the manufacturer? Who has any right to decide? There is no one on the national board who receives a cent who had any hand in deciding on the pictures.

Mr. POWERS. They are not employed by the manufacturer in any sense, are they?

Dr. BRENTON. No, sir; they are not employed by the manufacturer?

Mr. FESS. For whom are you speaking?

Dr. BRENTON. For the national board of censorship.

Mr. FESS. What does the national board stand for?

Dr. BRENTON. It stands as a court of review.

Mr. FESS. For whom do they speak?

Dr. BRENTON. For the motion pictures of the world, of the United States.

Mr. FESS. Do they speak for the manufacturer or the public?

Dr. BRENTON. They speak primarily for the public. Ours is a public service and is so recognized by the people. Our secondary duty, if you wish to put it that way, is toward this great organization to see that it receives fair play.

Mr. FESS. If you speak for the public, why should you object to putting a legal force in operation to censor these same pictures?

Dr. BRENTON. Because I know that the legal force is not as effective as the moral force and that everywhere it is put in operation it produces antagonism and is evaded. Now, I am taking too much time, gentlemen.

Mr. FESS. No; you are not.

Dr. BRENTON. I wish to say that, purely at my own instance and initiative, I went to California a few months ago. I have been back just a few days. I went through the States and I went and studied the motion-picture problem at first hand and met the producers. I found without exception that they are in favor of a national board of censorship, although they may be opposed in principle to legalized

censorship. I found in California so much irritation against legalized censorship that they have formed a motion-picture freedom league, which has gotten up a petition to the council of Los Angeles, Cal., and they are going to carry the matter up to the legislature of the State, the petition containing signatures of all the business organizations of Los Angeles, opposed to the legalizing of censorship in California. That petition has the backing of the finest and best business organizations in that part of California. That petition has been signed by business houses and transportation companies and commercial organizations, protesting against prepublicity legalized censorship and in favor of the decisions of the national board.

The CHAIRMAN. Doctor, do I understand that you say that human nature would observe conscience more than legal restraint or authority?

Dr. BRENTON. Oh, no; not conscience. I said that an agreement entered into voluntarily between two parties in regard to the regulation of the business is stronger than compulsion. It is, historically and economically, the ideal of law. If you lawmakers could enter into an agreement with the people which would be kept, you would sweep the regulations off the docket book and you would have a body of law which would be infinitely more binding than anything else you have at the present time. In proof of which I cite my experience in California, where they freely accepted the decision of the national board.

The CHAIRMAN. That is the national board in New York?

Dr. BRENTON. Yes, sir. The business men throughout the State oppose legalized prepublicity censorship, which strikes at the very foundation of freedom of thought, expression, and speech in the United States.

The CHAIRMAN. In other words, if all men were good Christians, we would not need any law.

Dr. BRENTON. Oh, not at all.

Mr. FESS. Let us see whether we have precisely your position. You say that moral authority is stronger than legal enactments, because the former rests upon mutual agreement?

Dr. BRENTON. Yes, sir.

Mr. FESS. If that be true, why do not we eliminate all laws?

Dr. BRENTON. Because we can not get that mutual agreement which is entered into freely and without compulsion.

Mr. FESS. And you can get it where you are both on the same side in the moving-picture matter; you can get it there, can you not?

Dr. BRENTON. I do not grant for a moment the imputation that we are on the side of anybody.

Mr. FESS. Then, why would you say that you can not get the mutual agreement otherwise? You say that we can not get away from law because we can not get mutual agreement, and also that you can get mutual agreement in the moving-picture business because you all agree, and that is where we differ.

Dr. BRENTON. Well, we agree because the motion-picture manufacturers believe that the national board of censors, with its 225 volunteer censors and its great organization, represents approximately public opinion, and they are willing to abide by that. They

would not be willing to agree to a prepublicity censorship which prejudices the case before it is submitted to public opinion.

Mr. POWERS of Kentucky. How many ministers are there among your board of 225, if you know?

Dr. BRENTON. Fifteen or sixteen.

The CHAIRMAN. Doctor, will you file with this committee a list of the censors, their names, so that we may have it for the record? That is the request of one of the members of the committee.

Mr. FESS. We ought to have that.

Mr. ABERCROMBIE. You oppose legalized censorship—local, State, or national?

Dr. BRENTON. I oppose it on principle.

Mr. ABERCROMBIE. Anywhere?

Dr. BRENTON. Anywhere.

Mr. BINDER. We have lost out of our time 15 minutes, and I ask that that be granted to us.

The CHAIRMAN. I will say this: That we gave two hours and a half for this hearing. I think the doctor gave a part of his time last night.

Dr. CRAFTS. I gave three-quarters of an hour last night, and I will give the same to-night.

Mr. BINDER. Thank you, sir. Now, Mr. Chairman, our next speaker will be Mr. Walter W. Erwin, general manager of the V. L. S. E., which takes the film from the manufacturer and delivers it to exchange men, who in turn deliver it to the film companies.

Mr. MOREE. Mr. Chairman, might I say a word? I came here at the request of the State mayors' conference of New York State, representing some 50 cities. It is absolutely impossible for me to stay over another night. I trust that it will be possible to hear me before this hearing is over to-night.

The CHAIRMAN. I hope you will arrange that matter with Dr. Crafts or Mr. Binder. Mr. Erwin, you will proceed.

#### **STATEMENT OF MR. WALTER W. ERWIN, GENERAL MANAGER OF THE V. L. S. E., NEW YORK CITY.**

Mr. ERWIN. Mr. Chairman, it is true that I occupy the position in this industry described by Mr. Binder, but I speak not in my capacity as an official of a distributing company, but from the standpoint of a citizen. I feel that the motion-picture industry owes not only to itself but to the public to see to it that the American people do not step backward into the darkness of the Middle Ages and the consequent tyranny.

The mediums of thought expression, as you well know, are speech, writing, printing, sculpture, the song writer, the artist, the picture, and the motion picture. By reason of the principles of our American freedom neither the editor nor the song writer nor the sculptor is compelled to submit himself to police headquarters before he publishes his work. On the contrary, he is granted without restraint the full right to publish it. Therefore he is held thoroughly responsible. The question to my mind, therefore, is Why should the motion picture be differentiated? It has become probably the most potent vehicle of thought transmission so far known to man. In fact, there seems to be a disposition to restrict or punish it because

of its very effectiveness. This effectiveness, this power to educate, to entertain, to demonstrate, is what is gaining for it thousands of recruits daily.

Another reason that is making the picture so strong with the American people is because the manufacturers, with few exceptions, have not been sordid but, on the contrary, have fully complied with the standards of public morals. In fact, they have gone beyond them, until the picture to-day is really an uplifter in that it shows to the public the greatest literature that the world has ever produced. It shows it in capsule form, so that the American public, the busy public, living a strenuous life, is able to gain through the eye, almost without a mental operation, a complete and full description of the greatest writing of all the literatures of all countries.

Now, the morals and standards of the picture are important for this reason: The picture contains or has the ability to obtain a wonderful object lesson. Something may be written or spoken, and the audience or the reader may misinterpret or may not gain the precise meaning the writer or the speaker intended to convey. He may not have the mentality to catch the precise meaning, or he may not have the disposition to do so, but the picture carries the message precisely as it was intended. The message is conveyed to him from the eye to the brain almost without a mental operation.

Now, this industry has become the fifth largest industry in the United States just because of its merit. To-day it can not be differentiated from the newspapers. There are now seven news reels issued biweekly, containing the most important events happening all over the world. Some of these news reels are the strongest possible preachments against the European war and in favor of preparedness in this country, not for war, but to avoid it. They show the deplorable condition of the men in the trenches and, worse yet, the more pitiable condition of the women. So that nothing could convey to the people the horror of the situation abroad as does the motion picture.

Now, there have been attacks against these motion pictures. Most of these attacks are made by very small minorities, frequently ill-advised, not intentionally ill-advised, but simply because the advisors are really unacquainted with the industry, with its dignity and importance, and what it is doing to the people. There have been instances in which saloon keepers have complained bitterly against the motion picture because they say it is substantially lessening their patronage. In other instances ministers have bitterly complained against the motion picture because they said the same, that some of their congregations spend their evenings in the motion pictures rather than in church. I heard a minister say that recently. Now, that minister misinterpreted the situation. He concluded that the picture was degrading his audience. He was mistaken. Had he been acquainted with the pictures issued to-day he would know that a very large percentage of them carry a powerful moral lesson, and probably the reason his audience was at the motion-picture theater was because of the power of the picture to convey from the eye to the brain a much more powerful picture than could possibly be conveyed by a speaker or a writer.

Under these circumstances, gentleman, with the conditions as they are—the picture being a powerful and potent factor in thought

transmission—it seems to me that we are running a great risk with the bulwark of our American freedom when we consider the censoring of this most powerful vehicle of thought transmission. Our freedom depends upon our free expression of speech, and the liberty of our press. Here we have a vehicle more potent than the press. Its possibilities are unlimited. It has a greater teaching power. It probably can carry a national propaganda in a manner that the national press will never be able to or never has been able to. We dare not, with our love for American freedom, take the risk of submitting the product of our minds to the arbitrary view of a small number of people.

Mr. FESS. Mr. Erwin, I think this whole committee admits all that you have said as to the great possibilities for good. I do not think there is any doubt about that. Now, what do you think about the possibility for evil?

Mr. ERWIN. I think this, Mr. Fess, the only proper censorship in this great country of ours, which is a country of freedom and liberty, is the censorship of public opinion. Now, of this I can speak with knowledge at first hand. There are a number of exhibitors here, probably 50 or 100. I know, because I am in contact with them every day, that they can tell you truthfully that they do not want the purple picture. One man told me on the train last night—Mr. Trigger, he is no doubt here, and it was concurred in by another exhibitor alongside of him—that about 50 people were regular attendants at his house for a certain picture. He said that the picture contained a great moral lesson and yet he did not feel that that picture ought to come to his house for the reason that it was a neighborhood house and a good many children attended it, that, while it was a splendid thing for adults to see, he felt that he would not want his own children to see it, and so he mounted the stage and said: "A request has been made for this picture. Ladies and gentlemen, it contains a wonderful moral lesson. All adults ought to see it, but I would not show it to my children and, therefore, I am not going to permit it to be seen by your children."

Mr. FESS. Would that be a general expression of what would be done all over the country?

Mr. ERWIN. Yes, sir. There is a general feeling that is increasing every day, and it is expressed in resolutions by conventions of exhibitors all over the country, that they do not want and will not tolerate the purple picture.

Mr. DOUGHTON. How do you reconcile your statement with the statement of the previous speaker that the board had cut out a half a million dollars worth that the manufacture had tried to impose upon the public?

Mr. ERWIN. In this way: They did not try to impose it on the public. A manufacturer can not always determine the value of his own picture, just as a lawyer does not always know whether his brief properly presents the matter to the court, and frequently he goes to a younger lawyer and says, "What do you think of this brief that I am going to present?" Now, the company which I represent made a picture which they considered was perfectly proper. It was presented to the national board and the national board suggested various cuts, which considerably hurt the commercial value of the picture. Personally, I was dubious about the

matter of the decision of the board. I did not think it was necessary. Nevertheless, the opinion of the board was taken without an appeal to the general committee. The decision was given by a sub-committee, and no appeal was taken to the general committee and the picture was taken out. There is a tremendous difference between voluntary censorship in which the people who are censored volunteer to be censored and the people who censor are likewise volunteer censors.

Now, let me illustrate to you the work of volunteer censorship. We have it in Ohio, Pennsylvania, and New York. In Ohio a picture was made on the life of Christ. The crucifixion was eliminated by one censor, a woman, and the only reason she gave was that it was too terrible, too horrible. That the martyrdom of the Man who died that He might save others, the preachment of the picture, was denied the people in Ohio. Another picture, a comedy, showed young people rollicking in the fields and a country constable seemed to conceive the idea that they were teasing him, the result being that the young men took the constable and threw him into the lake. It made a very funny picture. Yet that picture was cast from the State upon the ground that it held the officers of the law up to ridicule.

Mr. SEARS. What is the name of that picture?

Mr. ERWIN. That happened about four years ago. I do not remember the name.

Mr. FESS. Do you feel that the public is greatly injured by the loss of that picture?

Mr. ERWIN. No; I do not.

Mr. PLATT. Would that be objectionable on the stage?

Mr. ERWIN. No. I feel that this is a Government of laws and not of men. I feel that the Constitution can not be reversed, so that we will live under men rather than laws. I feel that we must have a day in court so that our property can not be destroyed or taken away from us—pictures that cost from \$100,000 all the way up—upon the arbitrary action of a board.

The CHAIRMAN. You hold that this bill would be unconstitutional?

Mr. ERWIN. No; I do not, because the United States Supreme Court has already passed upon that, Mr. Chairman. But the United States Supreme Court, venerable as it is, the greatest court in the world and the highest human voice in existence, yet after all is human. I feel that at the time that question was presented to the United States Supreme Court it was presented too early, that the court at that time did not know what the motion picture was, did not know that the motion picture was carrying news, and did not know what the industry was, and the lack of that knowledge unconsciously affected the court.

The CHAIRMAN. I should have thought that you gentlemen would have made that argument very forcibly to the court.

Mr. ERWIN. That appeal was taken by only one company. Their counsel presented it, and presented it ably; but, as I say, I think it was premature. I believe that if that case were presented to the Supreme Court to-day an entirely different decision would be rendered. But let me point out one more illustration of legalized censorship. A picture has been made, entitled "The Battle Cry of Peace," powerful, intense, dramatic; a wonderful preachment in favor of

preparedness, not for war but against it. It was made with that in view. It contains the invasion of New York City by a foreign foe. In Pennsylvania the board of censors instructed not only that a scene of a young man who had had his eyes blown out and, kneeling, saw in his mind the picture of the girl that he was to marry, but also the scene where her mother was compelled to kill her children to save them from worse than death—in other words, the very scene that would make any man with red blood in his veins feel that he would be willing to go into the trenches a hundred times and die rather than submit his family to outrages of that kind, that would make every man in this country feel that this country must be prepared to protect its women and children within its own borders, and yet, without rhyme or reason, they instructed us to eliminate the climax of that drama. We went before the board of censors, and it was only after a series of earnest arguments, backed up by a threat to appeal to the court and show this picture to the court, that this elimination was nullified.

Now, gentlemen, a practical illustration is the best illustration. It happened that that picture will be here on Sunday, and, if your chairman will permit me, I would like to send you a list of the eliminations that were made in Pennsylvania in the first instance.

Mr. ERWIN. And then, if you can find time, I would respectfully request that you see that picture and compare the picture with the eliminations instructed by the Pennsylvania board to be stricken out. In other words, it seems to me that the question comes down to this: Shall we run the risk of deteriorating to the middle ages, where a man did not even dare to let it be known that he prayed, or to the present condition in Russia, where the newspaper must contain the stamp of Government approval before it is issued.

Now, I have heard some gentlemen say, and say earnestly, that they believed that the press should be restricted. The press has a great many evils. A great many men have been destroyed by the press—wrongfully destroyed by the press, utterly ruined by the press—but my feeling and my judgment is that it is a great deal better that you or I or any other individual should be destroyed by the press than that the principle of the freedom of the press be tampered with, and as a corollary thereto I believe it is a great deal better that we risk the showing of a few pictures justly entitled to criticism than that we hamper or restrict the principle of freedom of thought transmission.

Now, in closing let me recall to your mind that our freedom of speech, my right to stand and talk to you gentlemen, to advocate what I believe to be true and the right of my opponent to oppose me, that right and the liberty of the press were only obtained after generations of suffering and shedding of much blood.

Mr. FESS. If you will pardon me, speaking for myself, I would not vote to make a law or to recommend a law that would limit the privilege of the press; but do you put this upon the same basis as the press?

Mr. ERWIN. Well, I should say so. I put it upon a more high and more powerful basis.

Mr. FESS. Do you think that the press could affect children of tender years such as motion pictures can?

Mr. ERWIN. Yes, sir; I do, and for this reason: The press is spread about everywhere. Everywhere you go you find newspapers lying around. Anyone can pick them up and read them. Anybody can get them for a penny. They are read one moment and thrown away the next. Any child of 8 years of age who can read a primer can read a newspaper and see the pictures in a newspaper.

Mr. FESS. You make no distinction between seeing a picture which is in action—in motion—and picking up a paper which has been thrown away?

Mr. ERWIN. Only this difference: That the picture in motion is very effective. I do make that distinction—it is more effective. Therefore it is more dangerous to censor a more effective vehicle of thought transmission. It is more dangerous to our freedom. That is my contention.

Mr. SEARS. Then you take the position that the newspaper is really worse than the moving picture?

Mr. ERWIN. I do not admit that either is bad. I say, regarding the newspaper, that it has its faults, and that many men have been destroyed wrongfully by the newspaper, but that it is much better that those individuals should suffer than that we tamper with the principle of the freedom of the press, for the reason that it is the bulwark of our freedom.

Mr. FESS. My difference was that the one appealed to the eye while the other must appeal to the mind, as they read the paper, and that the newspaper can not have the same effect upon a child that the picture in action could have. It would seem to me that that would be a legitimate conclusion to come to.

Mr. ERWIN. But, as was pointed out by the chairman of the national board, we can not make pictures solely for children. Otherwise we would be unable to depict any of the great works of literature.

Mr. FESS. I realize that.

Mr. ERWIN. Now, we are held thoroughly responsible as it is. You will probably recall the sinking of the *Republic* and the heroism of Jack Binns. The company made a picture representing Jack Binns in his true character as a hero. They had an actor to depict Jack Binns. Binns sued that company, and on the witness stand in court he testified that his principal objection to the picture was the subtitle, "Jack Binns and his famous American smile," whereas he was an Englishman, and that he also objected to having his name commercialized. But on cross-examination it was brought out that at the very time he was testifying he was running a "Saved by wireless" show at Coney Island. Nevertheless, because of his popular favor and heroism, the jury rendered a verdict in his favor against the company of \$12,500, which Judge Greenbaum cut down to \$2,500. Binns appealed the case to the intermediate court and that court reinstated the original verdict.

Then the company took an appeal to the highest court, and they sustained the verdict of \$12,500. So that by the time the decision was handed down by the highest court, including the interest on the verdict and costs in all three courts, it amounted to over \$22,000. The gentleman who paid that money is sitting in this room. At the time he made that picture he had no idea in the world of showing

Jack Binns in any way but the most laudatory, but nevertheless he was held responsible for his act.

Mr. PLATT. Would it not be possible to do all of this censoring, if it is necessary, before any films are made, when the scenes are staged?

Mr. ERWIN. No; and for this reason: Because a picture is generally made in about twice the amount of negative that is finally put out—that is, generally about 2,000 feet of negative is taken for 1,000 feet of picture that is issued. It is very hard to tell the effect of scenes precisely as they are taken. Sometimes when you see them thrown on the screen in your projecting room the scene has a meaning that was not intended to be conveyed, and then it has to be taken over again or entirely cut out. As I say, the waste in making moving pictures is almost 100 per cent.

Now, I want to give one other illustration of responsibility. When the so-called white-slave picture was made by the sociological society it was submitted to the national board, and in each instance the national board called in more than 100 prominent citizens to cooperate with them in determining the consensus of public opinion as to whether the picture was proper. It was passed unanimously. Shortly afterwards an exhibitor sprang up overnight like a mushroom and made a picture with sordid motives. Commissioner Bell, of New York City, on the first afternoon that the picture was shown, notified him that if he showed it that night the license that he held would be canceled. He immediately went into the supreme court of the State, before Judge Davis, and sought an injunction. Judge Davis viewed the picture and refused the injunction. The exhibitor was indicted, tried, convicted, and sentenced in New York County. There are many more instances that I could show you to prove that we are held responsible under existing laws. In these days of ever-increasing popular government, in the broadening of government so that to a greater extent we have the will of the many governing the few, and with the safeguards and protection of the few, it seems to me that it would be a step backward for us to adopt this system of censorship.

Mr. ABERCROMBIE. You stated that the manufacturers of films can not make pictures solely for children. Does that mean that the morals of the children must be jeopardized or that the moving-picture business must be injured?

Mr. ERWIN. No; I did not intend to convey that impression. I mean that they can make pictures solely for children, but they must also make pictures containing the greatest object lessons of life in order to do good to the adults.

Mr. ABERCROMBIE. Would it not be possible to make pictures good for children and another class of pictures good for adults?

Mr. ERWIN. That would be possible; yes, sir. But, for instance, in this picture of the "Life of Christ" they naturally showed the hypocrisy and traitorship of Judas and, naturally, they showed the crucifixion of Christ. It might be said by some people that that was not a good thing for children to see, but in my judgment it is a good thing for a child to see. Very frequently, in order to point a moral and show the purity by contrast, it is necessary to show the crime. Now, there are many pictures showing crimes. The crime in itself might not be good for children to see, but yet it is necessary to drive

home the lesson and make the audience feel that they have been more uplifted to contrast the other part of the picture with the crime. Now, I thank you very much for your attention in hearing me.

The CHAIRMAN. Before you take your seat, Mr. Erwin, I want to ask you a question. You are in favor of the New York board of censorship, are you not?

Mr. ERWIN. I am in favor of it for this reason: Mr. Brenton did not tell you one very important fact—maybe because he had only been with the board about three months—and that was the cause of its formation. In 1909 there were some foreign films imported which had the continental standard of morals. The fathers of the industry at that time, Thomas A. Edison, Mr. Lubin, and Commodore Blackston, who sits here, were proud of the industry and had every confidence and faith in its future. They were jealous of its reputation, so that they voluntarily went to Mayor McClellan and asked that he appoint a committee of citizens to review the pictures before they went out to the public. Mayor McClellan communicated with the People's Institute, and the People's Institute brought about the formation of this board.

Now, just as the manufacturers voluntarily submit themselves to censorship, the people who pass upon those products voluntarily give their services, without fear or favor, without compensation, directly or indirectly. One of the provisions of the by-laws of the board is that nobody shall sit as a censor upon the national board who has any interest, directly or indirectly, with any branch of the motion-picture industry.

Mr. FESS. This is the thing that interests me more than anything else that has come up. Why do you favor that censorship and oppose this censorship?

Mr. ERWIN. I will try to answer that concretely, Mr. Congressman. I favor it because of the difference between voluntary censorship—a censorship which attempts to sense the consensus of public opinion and standards of morals of the public—and the arbitrary censorship which is, generally, in its actions based on prejudice or intolerance, born of ignorance or of malice, spite, or jealousy.

Mr. POWERS, of Kentucky. This censorship would be a censorship of five people. You have 225 in the New York board. In other words, your number there would be infinitely greater than the number here.

Mr. ERWIN. Mr. Congressman, it is a physical impossibility for five people to censor all the films made in this country. It could not possibly do that. Nor could 100, nor could 150 people do it properly, if they were working at it constantly. Their judgment would be found to become warped. This board is divided up into subcommittees of 5, 6, or 7; and each subcommittee has designated to it an afternoon or a morning. There are probably 4 or 5 subcommittees there working together at the same time in different parts of the city.

Mr. POWERS, of Kentucky. Your position is that the judgment of 225 people is bound to be better than the judgment of five?

Mr. ERWIN. Yes, sir. Let me illustrate; here is my position. The mayor of the city of New York requested a certain company in New York to make a picture called "The Locked Door," showing the manner in which the fire regulations of the city of New York are circumvented and lead to destruction. The scenario was written by

the fire marshal, or fire commissioner, of the city, and, naturally, he took for his plot the Triangle factory fire, in which several hundred young girls were burned to death. It was a clothing store, or sweatshop, and he laid his scheme in a sweatshop. The picture had to be made true to life, so that the manufacturer depicted the proprietor as a Hebrew. It was no discredit to the Hebrew race. We all know that they have been the fathers of the clothing industry; in fact, they made the first clothes. They are wonderful captains of industry. We all know that there are good Hebrews and bad Hebrews, just the same as there are good Germans and bad Germans, so that there was no injury to the race. But hundreds of people wrote to us saying that it held the Hebrew people up to ridicule and scorn.

Now, there was a bill in the New York Legislature providing that upon the complaint of 12 people and upon viewing the picture by a committee of three, the picture could be excluded. Suppose the complaint had been made in New York, if that bill became the law, and suppose the governor of Massachusetts had political ambitions and 12 citizens wrote to him and he hesitated in complying with that request, and thereafter they began to circularize all their friends throughout the State and used that incident as an illustration why the governor should not have political advancement. Don't you suppose that that would have an influence upon the governor in determining whether or not that picture could be or should be eliminated from the State? That is the primary reason, because the board of censorship must be necessarily subject to influence.

Mr. POWERS. But is it not a fact that one advantage that the New York national board of censorship would have over this board, if created, is that the pictures are passed upon by that board to the number of 225 people, and here only 5 would do it. In other words, would not the judgment of 225 be better than the judgment of 5 people?

Mr. ERWIN. Decidedly. In addition to that 225, wherever they have a great picture, such as this social picture that was made for the purpose of developing and benefiting social conditions and about which there was a great controversy, they call in in consultation, in addition to their regular members, lawyers, doctors, ministers, rabbis, priests, from all walks of life.

Mr. POWERS. What do you know about the ability, the character, and standing of these 225 men that constitute this national board?

Mr. ERWIN. The associations that they represent furnish a complete and explicit answer to that question.

Mr. ABERCROMBIE. I infer that you are opposed to all forms of legalized prepublication censorship.

Mr. ERWIN. Absolutely, sir.

Mr. ABERCROMBIE. Local, State, and National.

Mr. ERWIN. Absolutely.

The CHAIRMAN. In other words, the New York board is a voluntary censorship and there is a voluntary compliance on the part of the manufacturers?

Mr. ERWIN. Yes, sir. I am utterly opposed to any legalized censorship. I want to be held thoroughly responsible under the laws as they are, and if the present laws are not sufficient, make them stronger.

Mr. ABERCROMBIE. In other words, after the damage is done to the child and can not be repaired, you would have the punishment?

Mr. ERWIN. No, sir. A bad picture is caught on its first showing, as in the case of the first while-slave picture that was made with sordid motives. A bad picture can not be shown in a community and run more than twice without being objected to if it is bad.

Mr. SEARS. Was that picture passed by the national board?

Mr. ERWIN. No, sir; that was one of the 1 per cent that were not submitted to us. But the board found it out, and Commissioner Bell sent his agent to see the picture, and after that it was stopped.

Mr. SEARS. Did I understand you correctly, now, that this national board divides itself up into committees of five or six and that a committee of five or six examines the pictures and the rest of the members do not see it, or does the whole board see the picture?

Mr. ERWIN. No; that board divides itself up into subcommittees. That board is composed of men and women.

Mr. SEARS. No; but large numbers of pictures are not seen by the entire board?

Mr. ERWIN. They are all seen by the entire board when there is any question in the mind of any member of the subcommittee. If any member has any objection he can refer it to the general committee to be passed upon.

Mr. SEARS. But if it is immediately passed by the committee and nothing is seen offensive to them, then the rest of the board does not see it?

Mr. ERWIN. Yes, sir.

Mr. SEARS. Then the members of the board do not see anything of the pictures that go out except the ones that they see themselves in subcommittees?

Mr. ERWIN. That is true, except these people that represent associations of people for the benefit of the people, and everybody on the board is above suspicion and criticism.

Mr. FESS. I think I have your argument. Stated briefly it is this: You are opposed to all censoring because of the dangers of any limitation of that sort on freedom, and secondly, you are speaking as an interested party, which causes us to hold in abeyance what you are saying and measuring it. But you think that that danger is cured because the public would not accept an improper picture, and therefore it would be unprofitable to make a picture that would hurt the public.

Mr. ERWIN. I believe that would be the result. It is true that I am here as an interested party, and it is true that my testimony might not be given the same weight as Mr. Brenton's; but, on the other hand, it may be more valuable, because I am dealing with pictures every day and I know whereof I speak.

Mr. FESS. Of course there is no reflection upon you, but simply the principle that a party who is interested may be affected by his interests. We do not mean to reflect upon your evidence at all.

Mr. ERWIN. I understand. That is all I have to say. Thank you very much.

The CHAIRMAN. Excuse me one moment. I believe that Mr. Moree, a representative of the mayors' conference, asked to have a few moments, and I asked him to arrange his time with you gentlemen.

Dr. CRAFTS. We have given up three quarters of our time last night and one hour and a half to-night. We would be glad to give Mr. Moree five minutes.

The CHAIRMAN. How much time would you occupy?

Mr. MOREE. I am entirely at your disposal. I am not acquainted with any of the gentlemen here.

The CHAIRMAN. Are you for or against the national board?

Mr. MOREE. I am here representing the State conference of mayors of New York City. I am their representative on the national board. I have not the pleasure of Mr. Binder's acquaintance. I did not meet him until this evening. If you so will it I will confine what I have to say to one minute or five minutes.

Dr. CRAFTS. I will give you five minutes out of my time.

Mr. MOREE. Thank you.

The CHAIRMAN. Proceed, Mr. Moree.

**STATEMENT OF MR. J. A. MOREE, OF ALBANY, N. Y., REPRESENTING THE MAYORS' CONFERENCE OF NEW YORK.**

Mr. MOREE. Mr. Chairman, I think I can say practically all I was going to say in half an hour or and hour and a half in five minutes. I am here representing an organization, an official organization, that believes in unofficial volunteer censorship. The State conference of mayors of New York State is the organization I represent. I am an unpaid official of that conference. I am also an assistant secretary of the State Charity Aid Association of New York State, but I do not profess to represent them here, because they have taken no action on this question.

The State conference of mayors believes so completely in the effectiveness of the voluntary system of motion-picture censorship and in the good faith of the national board that it sought representation on that board and secured it. Following the securing of that representation it drew up a model ordinance dealing with motion pictures. That ordinance provides for the appointment of a committee that shall censor and remove all pictures that are not passed by the national board, so that so far as New York State is concerned that takes care of the 1 per cent of pictures not covered by the board. No picture can be shown in any city that has that ordinance that is not passed by the national board.

Now, I am going to surprise you very much by taking less than five minutes, although I had a great deal more to say than I am going to say. I would like to try to get you to imagine for a moment what would happen to a picture before the national board dealing with a political question. Now, remember, that board must be a political appointment, because you are providing for that. You are providing for its appointment by a man—needless to say I am not referring to a board that might be created this year—a man who might be susceptible to political influences. Now, we will say that that board happens to have before it a picture dealing with some phase of the industrial problem, and that board happened to be leading toward the side of the manufacturers. If that picture dealt with the industrial problem unfavorably, so that it might incite a riot, what would happen to the picture? What would happen

to a picture dealing with the liquor interests before a board that happened to be addicted to a cocktail for dinner, or otherwise under the influence not of liquor but of the liquor interests? It would not stand very much of a show. I must resort to slang in cutting down my remarks.

Legalized censorship is founded on a theory of government that, it seems to me, is utterly obnoxious to every American principle of freedom of speech. I believe that legalized censorship of motion pictures is the first step toward the censorship of the theaters and is the first step toward the censorship of the press. Every single thing that is named in that bill can now be picked out of the newspapers. They are now doing it. They are printing things that do corrupt the morals of children, and the gentlemen who are proposing this legislation will come before you and, representing the same type of men—and I have the greatest respect for them—will come to you before we are in our graves with an appeal for a proper censorship of the press. I believe that this bill should be defeated for that reason, if for no other, and I speak as a former newspaper man.

Mr. POWERS, of Kentucky. Have you any printed remarks or a manuscript that you would like to make a part of your remarks?

Mr. MOREE. I have some rough notes that I would like to have the usual prerogative of editing before submitting them for the record.

The CHAIRMAN. Of course we do not want to encumber the record with any great amount of data unless it is in direct relation to the matter before the committee, but you can submit any statement which you may have on the bill.

[Statement submitted by Edward A. Moree, assistant secretary New York State conference of mayors.]

The State conference of mayors of New York State believes so thoroughly in the present method of reviewing motion pictures and censoring the undesirable portions thereof by an unofficial volunteer board of representative citizens that it sought and secured membership on the national board of motion-picture censors. The conference, upon learning more of the standards of this board and the method of its procedure, drew up a model ordinance dealing with the motion-picture business in its relation to the various municipalities of the State of New York. This ordinance was submitted to the mayors of the more than 50 cities of the State, with the recommendation that it be adopted, and it has been adopted in many of those cities that deemed any local regulation necessary.

This ordinance prohibits the showing of any film not passed by the national board.

No stronger indorsement of the present method, and no greater recognition of its efficiency, could be given. The men recommending this ordinance are dealing with local problems, and they know full well the demands of their home people, and they know full well the penalties that will be visited upon them by any failure on their part to meet those demands. I contend that this is one phase of governmental activity that is particularly within the realm of home rule. Local needs and local standards should be permitted to govern any matter that touches so completely the recreational needs of a community.

As a former newspaper man, however, my chief interests is in maintaining the integrity of free speech. I contemplate with little short of horror this attempt to control by a politically appointed board one of the most important educational forces and one of the most valuable means of human expression.

The enactment of this measure would be the first step toward legalized censorship of the press. The next step in that direction would be the censor-

ship of the stage. From the stage to the lecture platform, and from the lecture platform to the press would be relatively short steps in comparison to the one that is now contemplated in this bill in the censorship of one form of stage production.

All of us wish to protect the morals of children. As a father, I am particularly interested in this phase of the question. Every upright citizen would prevent by every possible means any act that would "incite to crime" or "impair the health or corrupt the morals" of either children or adults. "Much that appears in the newspapers does all of these things. The newspapers remain in the hands of children for hours while the motion pictures are before them for a few moments only. They read and reread stories of crime and immorality in the papers and consider them from all angles and arrive at their judgments and establish their standards after an opportunity to thoroughly digest the facts displayed in print. The same thing applies to books, pamphlets, and all other printed matter. Yet, we find no move for national legalized censorship of the press. The proponents of this measure admit, many of them, that they favor censorship of the stage. They studiously avoid admitting the corollary proposition—censorship of the press. They know full well the destruction that would be visited upon them and their measures if they admitted the full significance of their move toward the censorship of motion pictures.

The present laws against libel and indecency provide all the censorship force that is needed. The national board of motion-picture censors is an expression of that force. It is a voluntary organization of citizens, unpaid and uninterested in the financial side of the motion-picture business. It is the eye of the public. It has established standards by which all films are judged, but beyond this there is the still greater potential coercive force of recognition by the motion-picture interests of their responsibility for everything that appears on their films. This responsibility has been repeatedly declared by the courts and motion-picture producers have suffered severe penalties for violations of the laws already on the statute books.

Consider for a moment some of the dangers inherent in legalized national censorship. Recall, if you please, that the board which this bill provides for must be appointed by and therefore must be under the influence to a greater or less degree of an elected official who is susceptible of all sorts of political pressure. This pressure must inevitably be felt by the censorship board.

Imagine the attitude of a board of censors under the influence of those interested in perpetuating child labor toward a film showing the evils of child labor. Imagine the attitude of a board under the control of liquor interests toward a film showing the evils of the production and sale of alcohol. Imagine the attitude of such a board controlled by one party or the other toward a film showing the evil effects of some particular policy of the party in power. How free to consider the merits of a film dealing with conditions in Mexico would a Federal board of censorship be to-day?

We saw the kind of pressure that would be brought to bear upon a board subject to political influence in the controversies developing around the "Birth of a Nation." This film, as you know, dealt in a highly dramatic manner with certain phases of the Negro problem. Demagogues of that race all over the country misled their followers into an attitude that bordered upon the riotous, and in many cases actually resulted in riot. Under the influence of this kind of activity the legalized board of censors of Ohio refused to pass the film, although exactly the same film was passed at almost the same time by the State board in Pennsylvania. The legal boards or the officials of Quincy, Detroit, Grand Rapids, Denver, Chicago, Memphis, Joplin, Atlanta, Minneapolis, Duluth, St. Paul, Davenport, Spokane, Pasadena, Portland (Oreg.), St. Louis, Hartford, Atlantic City, Philadelphia, and other cities passed this film and permitted its production. The people of Ohio, however, have not been permitted to see it.

What would have been the attitude of a national board appointed by a President who was particularly anxious to placate the negro vote?

The more important arguments against this bill from the standpoint of those not interested in the financial side of the motion-picture business may be summarized as follows:

"1. The proposed Federal board will have to handle complicated and highly intricate moral themes upon which there is no recognized standard of ethical judgment.

"2. They must, of necessity, work in the region of destruction of film property. Their legal status will make it almost impossible for them to offer con-

structive suggestion to the producers of pictures for the elimination of themes and situations.

"3. This elimination by law must mean that they will not be able to give the assistance now expected by those who are earnest in their desire to have higher standards and better pictures. The movement, therefore, is an experiment as against one whose limitations are known.

"4. If the national board, composed of 188 censors and 37 members of the general committee, all carefully chosen and as volunteers representing public opinion, is unable to estimate the effects of certain ideas portrayed in pictures, it seems much more difficult, if not impossible, for a few commissioners to accomplish this. It is impossible to combine in a few men final judgments on all the moral questions which come before motion-picture critics. They must, moreover, enforce their own private opinions and estimate the convictions of 100,000,000 people.

"5. It must be remembered that in the country there are city and country, North and South, the white and black and the foreigner, the intellectual and the ignorant, the young and the mature. Pictures which are passed for Federal circulation inevitably will meet with difficulties and cause criticism.

"6. However powerful the Federal commissioners might be, there is no guarantee that the individual States and the cities and towns within them will rest content with the decisions of this board. They have the power, and they will use this power, to adopt their own and different standards of judgment. This fact will inevitably plunge the Federal board into the troubles from which the national board is not free. Moreover, there is no power which will prohibit the exhibition of films within a State which may prove unsatisfactory for interstate circulation. This means that there will always be a certain residuum of film which can not be touched by a Federal board. They can not be 100 per cent efficient.

"7. It must be also considered that the establishment of a Federal board is only a first step. Experience has proved that existing local authorities of existing Federal authorities, charged with onerous duties at present, can not be expected to enforce the decisions of the Federal board. A large paid staff, working on the State and city basis, will have to be created to handle this question. Laws and decisions coming even from a Federal group do not enforce themselves throughout the country.

"8. You must consider the wisdom of allowing Government officials to assume the right to lay down moral standards for a Nation-wide amusement. The problem is somewhat different when the Government is dealing with railroads, foods, labor, commerce, or natural resources from that involved in final, clear-cut decisions on ethical matters relating to the thought, conduct, and emotional life of the people. We have never had in this country such assumption by political authorities of the regulation of conduct.

"9. It is necessary for all of us who are estimating in advance the ultimate effects of such a movement to satisfy ourselves that such a commission, however carefully appointed, can not be divorced entirely from political and business influence. It would be most unfortunate to have any members of such a commission alter their opinions in response to pressure of any sort, be it from church, social, political, reform, business, or educational coteries, yet this will be bound to occur.

"10. We have come through a period of ignorance to an understanding of the effects produced by motion pictures upon the minds of immature young people as well as upon those of the average adult. It is impossible to reduce all pictures to the intelligent capacity of children. A far better plan for meeting this difficulty would be the one advocated by the national board of urging the general acceptance of selected entertainments on specified days for young people. The entertainments would be made up of those pictures in every way adapted to their mental outlook. It is quite possible to follow up this plan with that of the larger exclusion of the young people from the regular picture entertainments.

"With the growth of the vogue of the motion picture there has been no general assumption on the part of parents of their responsibility. They have allowed their children to go indiscriminately to motion-picture entertainments. The work of laying this responsibility upon parents is a difficult and slow one. There will always be those who ignore advice and allow their children to see, hear, and think about things not adapted to their capacities. Our American standpoint, however, has been that of granting large freedom to parents and

guardians. This fact must be borne in mind in connection with any attempt at regulation of this amusement which has such a general appeal.

"12. The national board in its work from the beginning has carried on a constructive policy of prevention with the manufacturers, as well as that of the destruction of film. It has carefully considered the effects of individual ideas and situations on the public and has formulated the convictions of the people into principles which it has consistently sent out from time to time to all of the manufacturers of motion-picture films. This has resulted in preventing the use of a number of ideas which used to be generally introduced into film subjects. Such prevention occurs at a time when there is the smallest financial loss and therefore the least irritation. There seems to be no possibility of such a work being conducted by a Federal board charged with the passage or elimination of film.

"13. The national board recognizes the differences of opinion in the different cities and towns in the various parts of the United States. It believes that there should be local independence; at the same time it recognizes the necessity of cooperation with the national body. There are at present, therefore, some 300 cities and towns which are closely connected with the national board at the same time that they assert local supervision. Whenever the board is able to find any consideration of the problems of motion-picture regulation it offers to give assistance to these communities which will keep them from attempting the impossible or plans which have failed and assert their influence for restraint and control. This method of work is quite impossible under the proposed Federal law.

"14. The manufacturers of motion pictures, without question, follow the orders and decisions of the national board. They bind themselves to submit all their product and to make those eliminations and changes which are ordered by this organization. At present the board is examining 99 per cent of all the film subjects circulated throughout the country. The decision of the manufacturers is not based on sentiment or high moral convictions. It is straight business policy with them. Whatever may be the irritation and regret at financial loss, they realize that it is far better to have pictures censored at one time, in one place, and by one group of disinterested skilled people than to run the gauntlet of a thousand local censorship boards with varying standards which work at a time when there is the largest possibility of financial loss and of breaking business contracts.

"15. The whole question of the criticism of motion pictures is a complex one in the region of morals. It is not settled by any means when a group of citizens decide to turn it over in a city to the mayor or his representative. There is no reason also to assume that the question will be settled when this work is put into the hands of five Federal commissioners and their office staff. Morals are not regulated in this easy way. The whole philosophy of the national board is directed against such an easy method of solution of this question by law. It is because it believes in a social and constructive solution of the problem that it is opposed to the present bill introduced at the request of Mr. Crafts of the international reform bureau at Washington, both in the House of Representatives by Mr. Hughes and in the Senate by Mr. Hoke Smith. The members of the national board have become intelligent through daily work and constant consideration of this work. Their convictions are very real and when necessary they believe that they should fight in honorable ways for those principles and convictions."

**ADDITIONAL STATEMENT OF DR. WILBUR F. CRAFTS, OF WASHINGTON, D. C., SUPERINTENDENT OF THE INTERNATIONAL REFORM BUREAU.**

Dr. CRAFTS. I hope that the gentlemen who are here representing the motion-picture interests will see in the fact that I have gladly yielded time on two different occasions that we are not cherishing any bitterness toward that beautiful industry. Indeed, I expect the International Reform Bureau, of which I am superintendent, will become one of the motion-picture exhibitors when this bill is passed, and we can rely on getting high-grade educational films in a full

course of evening school studies for Government clerks. I believe that the motion-picture business will more than double after this motion-picture commission become a division of the Bureau of Education. More than one-fifth of the population of this country is under supervision of that bureau. When the teachers and parents of twenty millions of children and youth in our schools come to feel that the young people can see motion pictures without peril the number of people who patronize them will inevitably be increased greatly. Judging from what I am hearing daily all over the country, there are as many people who have quit seeing motion pictures because offended by bad pictures as are now seeing them. We are told by the national board of censorship that one-seventh of the people in New York City and one-sixth in Cleveland attend motion pictures daily. If the low pictures were cut out, most of those who now attend would see the better pictures no doubt, and the millions who have quit because insulted by bad films would return. All this gain would be on recreational films; and, then, there is to be another doubling up when Federal censorship leads to nation-wide use in a town-to-town series of evening schools of educational films developed into a full course of study for Young Men's Christian Associations and kindred movements to supplement the very inadequate and unsatisfactory education most of our people get before their early dropping out of school.

Motion-picture men tell me educational films have not been a success, and I tell them the educational feature has never been properly presented. Every film of serious purpose is called "educational" and is offered as a disconnected lesson. What is needed is a full course of study for evening schools of the Young Men's Christian Association type, with a diploma and a job at the end, and a management equal to the Scranton Correspondence School and conventions of philanthropists and educators all over the country to sample the school for half a week and then indorse it and endow it, to give the majority of our people who left school too early a chance to "learn more and earn more" and at the same time be a chance to get their needed recreation under its Shakespearean motto "'Tis well to be amused, but when amusement doth instruction bring 'tis better."

First of all, however, the confidence and good will of educators and philanthropists must be won by an adequate censorship such as the bill before us affords. Then we shall all be ready for a nation-wide series of one-night-a-week recreational films in churches and welfare societies and a five-night-a-week course of educational films for evening schools, both moving across the country like a Union Pacific train, the film that is in Council Bluffs Monday moving on to Omaha for Tuesday and Lincoln for Wednesday, just as the bad films now move on in "one-night stands."

#### FILMS IN PLACE OF DRAMS.

There is another great opportunity for a new development of the motion-picture business as a good substitute for the saloons, now being rapidly displaced all over the world. All this extension will be distinctly promoted, as we believe, by the passage of this bill

and will more than offset any slight loss that may come from cutting off "smutty" and crime-breeding films.

The motion-picture interest is not unanimously opposing this bill. I have letters from four producers favorable to the general purpose of this bill.

#### BILL PROVIDES FOR MANY CENSORS.

I want to remind Mr. Powers and any other member of the committee who has been impressed with the idea that the so-called national board of censorship offers a larger and more democratic board than this bill, that under sections 3 and 4 of this bill the commission is authorized to appoint not only salaried deputies, limited in number only by the funds available, but also an unlimited number of "advisory commissioners," such as make up the New York "national board," whose real censoring, we are told in its literature, is done, except in case of appeals, by small committees of "from four to six." Indeed, we expect the New York board will be one of the advisory boards of the proposed Federal commission. [Laughter.]

Mr. POWERS, of Kentucky. Section 4 provides for the appointment of deputies and commissioners and other assistants. All those people have got to be paid for their work.

Dr. CRAFTS. But you will see in section 3 that unnumbered "advisory commissioners" are not to be paid.

Mr. FESS. Dr. Crafts, do you think that to pay a man for doing it would disqualify him for doing it?

Dr. CRAFTS. Oh, not by any means. We should then disqualify our Cabinet officers and our judges. I have something to say on the question of "political appointees" in a moment.

#### PEOPLE'S VERDICT THAT PICTURES NEED CENSORSHIP.

I want just here to emphasize the fact that about all speakers that have opposed this bill have assumed that the mothers and teachers and welfare workers that have asked for more censorship do not know foul pictures when they see them. We are told here again and again that there are no bad pictures in the motion-picture business to-day; that no one is human enough to make or exhibit bad pictures for money. We seem to have love of money everywhere else, but these motion-picture people ask us to believe that all of their trade are above the need of regulative law, and require only a little advice from the volunteer censors in New York. I have taken test votes in large audiences from Texas to Maine on this proposition: "Do you think the motion pictures need more censorship, and that the Federal Government should do the censoring for interstate pictures? If you think the motion pictures are all right and need no more censoring you vote in the negative." I have not had a negative vote in any of these audiences gathered in State Sunday school conventions and for popular lectures, representing that substantial third of our population that are on the rolls of the various churches, whose confidence and good will it is folly for any business to alienate.

On the point as to whether there are any "bad pictures" to speak of, I note in the report of the children's bureau for 1914 that, in 1913, "over 80 miles of film were condemned by the board." In the former

hearings it was shown that the Cleveland censors disapprove of 15 per cent of those submitted after the New York board has done its sifting. The evidence that bad pictures, whether they be a major part of the output or not are both numerous and dangerous is too varied to be met with the bluff of a general denial by the speakers of the trade.

THE "NATIONAL BOARD OF CENSORSHIP" NOT IMPARTIAL.

Mr. POWERS, of Kentucky. Can I interrupt you at this point?

If this national board of censorship is composed of the right sort of men, and if they are occupying the position which they say they are; that is, that it is voluntary, and that the interest of the public comes first, with the film business second—if that be true; if they are what they claim they are—then I see no objection to that board, and I see no advantages that this board could have over that board. Now, what I want to know is what you know about the personnel of this New York board composed of 225 men. That seems to show that in this business as in others there are quite a few men that need watching, though the speakers here on the other side seem to think this one trade is above the need of restraining law.

Dr. CRAFTS. I am very glad to answer it just as it comes. I was going to take that up later.

As I have said before, I greatly appreciate the sincere and unselfish efforts of the volunteer censors of New York City, who have undoubtedly mitigated a bad situation. In the first year (1909) they rejected 10 per cent of the films submitted. In the last year reported (1914) we are told in their documents that films of half a million dollars value were shut out of circulation.

Other censor boards, State and local, that have sprung up show the New York censoring is far from satisfactory, partly, I think, because the censors are all New Yorkers, and the New York standard of decency in theaters, which is by no means the standard of the country at large, has manifestly dominated the work of these censors. And I wish to show another serious handicap by following quotations from the latest document of this board—a valuable one—in which eight typed pages, close spaced, are given to "Principles governing the selection of films for young people under 16," from which we quote the following representative sentences:

It is unwise to show children under 16 the following unless there is some rational explanation of their exhibition: Criminals, hangings, drug fiends, perverts, sensualists, drunkards, brutes, the insane, the diseased, those ruined by dishonesty or sensuality, and the ostracizing of evil persons. \* \* \* It is unwise to depict disrespect for lawful authority. \* \* \* Pictures should not be shown which make light of family ties. \* \* \* It will not be sufficient to point to an obvious moral at the end of a picture which has been full of the detail of evil.

Put with these recognitions of the peril to youth of such pictures the following admission:

The board can not censor for any particular audience. It can not require that the films approved for adults shall be shown only to adults. It can not select the programs which are to be shown to children. Theatrical conditions are such that at present every film goes to the whole American audience—men, women, and children.

It would seem "the rule of reason" that this board, which now claims to be the chosen censor of film makers producing 99 per cent of the films, should insist that until film exhibitors agree to shut out children and youth from shows declared by the censors to be unfit for them to see, that such scenarios should be cut out altogether. Adults will suffer no wrong from being cut off from pictures judged unfit for adolescent youth. When we speak of the peril of "children" from sexual films we mean especially those of the crucial "teen" age. Those most in peril are not those under 12 years of age, but those from 13 to 19. The Nation gets more than enough appeal to sex consciousness in dances, songs, dress, magazines, and most of all in theaters, and could spare some of the sexuality that crowds in so frequently in motion pictures, where a higher standard is reasonably demanded because "15 per cent"—that is, the "national board's" unusually low estimate—is "made up of children under 16." It would be more than 25 per cent if all in the "teen" age were counted. Manifestly the national board should require that by contracts with the exhibitors, secured by the film manufacturers, or in some other way, all persons "under 16" should be excluded, or that pictures declared unfit for those "under 16" should be rejected.

We have another plan, however, to guard the young people, to be shown later.

But there is another group of people in the national board of censorship, as I have before shown, a group whose salaries are paid by the motion-picture interests which originated this board, as has been stated in their own documents. I do not blame the motion-picture producers for the intelligent self-interest and consideration for public opinion shown by them in establishing such a censorship, nor do I blame them for supporting it when others fail. I blame the salaried "staff" for fighting all censorship but their own, and then claiming to be impartial. These salaried men go through the whole country. They do not simply censor pictures in New York. They fight censorships in the cities and in the States. They send out great quantities of literature to defeat all official censorships. I think it a very curious position that we should be asked to believe that a censor board whose spokesmen have admitted in previous hearings that about all its financial support comes from the motion-picture interests are an impartial body. This is what the national board of censorship says in its own latest booklets:

A large share of the contributions received by the People's Institute for the board's work has been from business interests either actual film producers or others interested in the motion-picture field.

Mr. POWERS, of Kentucky. They have made the statement that not a single man composing that board of 225 people that has the power to pass upon these films and that do pass upon them gets one cent of salary.

Dr. CRAFTS. This is the point: The 225 volunteers are divided up into subcommittees. I want to know who selects the subcommittee that is to censor some doubtful picture. Some subcommittees are stricter than others. I want to know if there is any effort by the salaried "staff" to influence these volunteer members of the board. My information is that a Mrs. Brown having condemned a certain film, one of the "staff" said over the phone in protest, "Why, that

is from one of our biggest producers!" and she answered, "If that is the basis upon which you run your board, I now hand you my resignation." Dr. Walter Laidlaw, of the New York City Federation of Churches, in a letter that can be seen in the petition files of this committee, quotes some similar remarks of the "staff" in explaining the withdrawal of that church federation from the national board of censorship. I challenge the implication that goes with the quoting of New York welfare societies in speeches of opposition to this bill that the international Young Men's Christian Association committee is opposed to it, or the Federal council of churches, whose constituency in the Methodist and Presbyterian preachers' meetings of New York City and the church federation just named, and many more of the Federal council's constituency throughout the country—all that have spoken—are for the bill.

A member of the Young Men's Christian Association and a member of the Young Women's Christian Association is on this board only for censoring, not to support the "staff" in their nation-wide fight against all official censorship. Those who speak for the board should make it clear, as they have not done, by whose authority they fight State censorship in Ohio and Federal censorship here.

Mr. BINDER. We have a list of recent date giving the names of the persons who constitute the members of this board. I will be glad to put it before the committee and read it if the committee wishes.

Mr. SEARS. I ask that they be filed.

The CHAIRMAN. That will be better.

Mr. FESS. What have you to say of the statement that this volunteer board, which has no power except the power of recommendation, is more effective than a board that would have legal authority?

Dr. CRAFTS. I have just been in Oklahoma and Louisiana. I want some proof that the advice of the national board of censorship is obeyed in Oklahoma, where I saw a train robbery in a film. If the film I saw there, with a bandit climbing down the tender to shoot the engineer—and, by the way, train robberies were committed within a few days—

#### WHY NOT FEDERAL CENSORSHIP FOR THEATERS, TOO?

Mr. PLATT (interposing). If those things are shown in the newspapers, why in the name of time should not they be shown in the pictures? [Applause.]

Dr. CRAFTS. I will have to answer that, too.

The CHAIRMAN. I will ask the audience please to keep order.

Dr. CRAFTS. The stage is in a very different position. You can not tell what an actor will say in every town, because in some towns he puts more sensuality in his actions and suggestions than in others. Sometimes mayors stop the plays, but you can not censor plays for the whole country, whereas you can censor films.

Mr. PLATT. Why not?

Dr. CRAFTS. Because they are not the same thing. Acting in a machine is one thing the country over.

Mr. PLATT. The principle is the same?

Dr. CRAFTS. I believe in the local censorship of the stage. Archbishop Farley said a few years since that the stage has never been so

vile as now since the days of Rome. The regular theater does not have any such proportion of children in its attendance as the motion-picture theater. The stage is seldom patronized by children unattended. The censorship of the stage is the duty of the mayor. He has full power to censor the stage. If he does not do it, the city council can do it. It is not adapted for national action, as the motion picture is.

Mr. PLATT. But that is the same case. The city council can do the same thing in the case of films.

Dr. CRAFTS. But it costs a thousand times as much to do it.

Mr. PLATT. Then the Nation should censor the play when it is written.

Dr. CRAFTS. The Nation could censor the libretto of the play, but that is a small part of it.

Mr. PLATT. Well, the film is not as dangerous, because it is all over in a minute. It is all gone in a second.

Dr. CRAFTS. The motion picture is more dangerous, because more young people are in the audience.

Mr. PLATT. But when a thing is printed you can read it over and over again.

Dr. CRAFTS. The same play presented in a sensuous way will raise the devil by one actor in one place, while it might be presented with a different effect by another actor or in another place.

Mr. SEARS. Is it not a fact that in some cities a part of the play is cut out, and in other parts of the country it is put back again?

#### THE NEW YORK CENSORS QUESTIONED.

Dr. CRAFTS. I am informed that is the case. I have questions here that I hope some member of the national board of censorship will answer. The questions will be asked later. First, whether the paid "staff" have ever tried to influence the judgment of the volunteer censors; and, second, whether they have ever had charge of the selection of censoring subcommittees; and, third, whether they have any adequate proof that their verdicts are carried out far away from New York by 22,000 motion-picture exhibitors. I have some very much more important things to say before I come to that.

Mr. BINDER. The officials of the board are here to-night. Let them answer.

Dr. CRAFTS. Well, I can not give them any time now.

Mr. BINDER. The challenge has been made, and the board is ready to answer.

Mr. BRENTON. And I am here to answer the challenge as chairman of the national board of censorship, and I demand my privilege.

The CHAIRMAN. Let us have order. Does the gentleman yield?

Dr. CRAFTS. I give you two minutes to answer those three questions.

Mr. BRENTON. What are the questions?

Dr. CRAFTS. Have you any evidence that your verdicts will be carried out?

Mr. BRENTON. We have every evidence in the world. We have our own people who inspect the pictures. We have also 700 correspondents throughout the United States who are kept in touch with us. We have a large advisory committee. We have a gentleman

from Boston, who represents the mayor of Boston, and he can show you how these things are carried out. Now I have answered you.

Mr. BINDER. Let us have the second question.

Dr. CRAFTS. Are you sure that the men who receive the salaries have never in any way attempted to influence the verdict?

Dr. BRENTON. So far as being the executive officer, I know of no single case where those men have endeavored to influence a verdict.

Dr. CRAFTS. Well, that is your answer.

Dr. BRENTON. Not a single case.

Mr. BINDER. What is the third question?

Dr. CRAFTS. Those are the only questions I had in view that I remember now.

Mr. BINDER. You had three.

The CHAIRMAN. Proceed, Doctor; you have the floor.

Dr. CRAFTS. I want to say that "700 correspondents" is a very inadequate force to watch 22,000 motion-picture theaters. Only the Federal Government is strong enough to enforce "national" censorship, whoever gives the verdicts.

I am accustomed, as I travel about the country on lecture tours, to look in on the motion pictures often, and it seems to be the rule in many of the motion-picture theaters to have one bad film in each program, and that is usually the one advertised outside.

Recently in Alexandria, La., I saw a great crowd of boys going to a film show of the notorious bandits, "The Younger Brothers," announced appropriately in red dodgers. Here it is:

[Alexandria, La., Dec., 1915.]

#### ENGAGEMENT EXTRAORDINARY.

See "Younger Brothers" in the six-reels picture and talk to them yourself. They will be at the Columbia all day, and have some things with them that will interest you. Opens 11 a. m. Runs all day. Admission, 10 cents and 15 cents.

I had seen it and caused it to be closed out by the mayor in another city. It was nothing less than a traveling school of highway robbery. The brave cashier of the Northfield Bank, who died to save the savings of widows and orphans intrusted to him, was not the hero of the film, but the bandits who never earned an honest dollar and lived by shooting down those who did. Now the fact that such a film can go about the country teaching train robbery presents again the dilemma to those who claim the volunteer censors in New York can do all the censoring that is needed, namely, either they did sanction these schools of robbery or they were not able to prevent their exhibition, and in either case the need of more efficient censorship is shown.

Now, I want to take up the question of "prepublicity censorship."

#### COPYRIGHT FEATURE OF THE BILL NOT ESSENTIAL.

Mr. DALLINGER. Doctor, in what you are going to say now, will you tell us what is the difference and distinction between moving-picture films and books? This bill of yours provides that every moving-picture film must be censored before it is copyrighted. Why should not every book be censored before it is copyrighted?

Dr. CRAFTS. A book can not be copyrighted if it has been previously condemned by the court.

Mr. PLATT. Books are copyrighted on the title-page. I have done that myself.

Dr. CRAFTS. I say that a book which has been condemned by the courts—

Mr. PLATT (interposing). But how can it be?

Mr. BINDER. That is the point. How can it be? I demand an answer. I raise a point of privilege—

The CHAIRMAN (interposing). Does the gentleman yield the floor?

Mr. BINDER. He makes a statement that is simply absurd.

Dr. CRAFTS. I know from the Librarian of Congress the law is as I stated, but the copyright paragraph in the bill we do not regard as important. We might spare it.

Mr. BINDER. Oh, thank you ever so much.

#### SUPREME COURT DIFFERENTIATES MOTION PICTURES FROM THE FREE PRESS.

Dr. CRAFTS. My associate, Mr. Barber, will take that up. But here is a question to which a great deal of time has been given by the other side when it has been fully settled by the Supreme Court. I did not say much about it because I did not expect the other side to attempt to unsettle what has been settled by the Supreme Court of the United States. I refer to the claim that in restraining motion pictures we are violating the guaranteed "liberty of the press." This was fully settled by the Supreme Court in the Ohio case, and I am going to read that part of the decision.

Mr. POWERS, of Kentucky. What is the style of that case?

Dr. CRAFTS. The Mutual Film Corporation against the Industrial Commission of Ohio (236 U. S. Repts., p. 230). The decision refers to the constitution of Ohio as being like that of the United States and of all the States in guaranteeing freedom of the press. Then he refers to the claim that the motion picture is one mode of discussion and has the same rights as the newspaper. I will give the full summary of the case as condensed in the official report, with emphasis on the reference to "freedom of speech and publication":

#### UNITED STATES SUPREME COURT DECISION ON OHIO FILM CENSORSHIP.

[Feb. 23, 1915, 236 U. S., p. 230.]

Where provisions for censorship of moving pictures relate only to films intended for exhibition within the State and they are distributed to persons within the State for exhibition, there is no burden imposed on interstate commerce.

The doctrine of original package does not extend to moving-picture films transported, delivered, and used as shown in the record in this case, although manufactured in and brought from another State.

Moving-picture films brought from another State to be rented or sold by the consignee to exhibitors, are in consumption and mingled as much as from their nature they can be with other property of the State and subject to its otherwise valid police regulation, even before the consignee delivers to the exhibitor.

The judicial sense, supporting the common sense of this country, sustains the exercise of the police power of regulation of moving-picture exhibitions.

The exhibition of moving pictures is a business, pure and simple, originated and conducted for profit like other spectacles, and not to be regarded as part of the

press of the country or as organs of public opinion within the meaning of freedom of speech and publication guaranteed by the constitution of Ohio.

This court will not anticipate the decision of the State court as to the application of a police statute of the State to a state of facts not involved in the record of the case before it. Quere, whether moving pictures exhibited in places other than places of amusement should fall within the provisions of the censorship statute of Ohio.

While administration and legislation are distinct powers and the line that separates their exercise is not easily defined, the legislature must declare the policy of the law and fix the legal principles to control in given cases, and an administrative body may be clothed with power to ascertain facts and conditions to which such policy and principles apply.

It is impossible to exactly specify such application in every instance, and the general terms of censorship, while furnishing no exact standard of requirements, may get precision from the sense and experience of men and become certain and useful guides in reasoning conduct.

Whether provisions in a State statute clothing a board or congress composed of officers from that and other States with power amount to such delegation of legislative power as to render the provisions unconstitutional will not be determined by this court in a case in which it appears that such congress is still nonexistent.

The moving-picture censorship act of Ohio of 1913 is not in violation of the Federal Constitution or the constitution of the State of Ohio, either as depriving the owners of moving pictures of their property without due process of law or as a burden on interstate commerce, or as abridging freedom and liberty of speech and opinion, or as delegating legislative authority to administrative officers. (215 Fed. Rep., 138, affirmed.)

In the court's discussion of the claim that motion pictures are organs of opinion, like newspapers, and so entitled to "free expression," the court says, with emphasis: "The judicial sense, sustaining common sense, rejects the contention."

In this Supreme Court decision it is very clearly shown that discussion is not suppressed by film censorship, but specific evils. There is nothing in any censorship of films to prevent news pictures from being published promptly. This bill says that nothing can be cut out except bull fights, prize fights, obscene matter, and what would tend to injure health or morals or incite to crime.

Mr. POWERS, of Kentucky. This bill provides for the decision of five commissioners. Now, they have to deal with all the money involved in the picture business, and from their decisions, arbitrary or not, right or wrong, there is no appeal, as I understand it, to any other court?

Dr. CRAFTS. Oh, yes. If they should abuse their power there would be an appeal in any case.

Mr. BINDER. Where is the appeal?

Mr. POWERS, of Kentucky. I would like to have you explain that.

Dr. CRAFTS. If a commission appointed by the Government should abuse its power, it would be liable to impeachment for the misuse of its power. They are to be appointed like the members of the Interstate Commerce Commission, and of the same high quality, more expert on this subject than any court.

#### MANY CASES OF "PREPUBLICITY CENSORSHIP" IN EXISTING LAWS.

I shall now bring to the attention of the committee many precedents in existing laws of high repute for "prepublicity censorship." It is spoken of by our opponents here as if it was something new. But first let me say again that censorship in the offensive sense is

not in this bill any more than it is in the law establishing the Interstate Commerce Commission. Censorship is in this bill only in the sense that it is in the law allowing exclusion of fraud orders from the mails and meat inspection in packing houses. The Federal Government censors meat before it has a chance to kill anybody. A bad film that poisons character is still more entitled to "pre-publicity censorship."

It was the Interstate Commerce Commission that gave us the idea of this bill. We are proposing to regulate a great interest, "the fifth great interest in this country," as we are often told here, just as we are regulating the railroads. The motion-picture business is an immense business. I have with me eight motion-picture magazines that I bought near my office, and I know not how many more there are. There are about 50 producers and importers of films and 22,000 motion-picture theaters. At least 5,000,000 people attend these places daily, paying probably an average of  $7\frac{1}{2}$  cents apiece, or \$375,000 a day.

#### EXPERT PROFESSIONAL CENSORS NEEDED.

Are we going to assume that 200 volunteer advisers in New York can handle this great business? We do not want amateurs but doctors when we are sick, and we want trained lawyers when we go to law, and for censorship of this business we want experts—lawyers doctors, psychologists—and we want their whole time, not their spare hours.

Mr. PLATT. Tell us what you mean by that. Would you say anybody was an expert in morals, looking at films?

Dr. CRAFTS. I should say that men who are expert in psychology could tell whether a picture would excite a disposition to crime, to murder and robbery, and that for this commission the President would be likely to select men who would be capable of determining the influence of a film better than amateurs and volunteers, better even than a jury or court. Commissioners, deputies, and advisory commissions would be selected with reference to their knowledge of the capacities and tendencies of boys and girls and of men and women. These expert censors, by actual study of what films had done to people, could tell the tendency of a photoplay. The average man is not able to do that, even though he is an altruistic welfare worker.

#### INVESTIGATIONS BY EDUCATORS.

Mr. PLATT. It seems to me we can not go into all those things. It would be too broad. Now, I notice you have some calculations of what you think were bad pictures. Cigarettes were shown in 35 per cent. Would you think that was bad?

Dr. CRAFTS. That letter shows the standards of an educational group in West Virginia. I should not expect censors to exclude a picture because it showed cigarette smoking, though pictures that made cigarettes seem manly might not get my patronage if I had a boy for company. I should have put the percentage of good pictures higher than that. But perhaps they have no censors or correspondents on guard, and, as I have before said, they may have been getting

more of the rough stuff than we do here. What difference does it make whether the bad pictures are 25 per cent or only 5 per cent, so far as our argument is concerned? Even 5 per cent is enough to be very harmful and to call for censorship.

This is an appropriate place to introduce a very careful and very detailed examination of motion pictures made by public-school teachers in Schenectady about the time this bill was introduced in the last Congress. I regard it as one of the best papers ever prepared on motion pictures.

MARCH 9, 1914.

Hon. J. T. SCHOOLCRAFT,

*Mayor, Schenectady, N. Y.*

DEAR SIR: On January 20, 1914, the Journal Club of Schenectady, a body consisting of all men principals and teachers in the city public schools, appointed a committee to investigate the moving-picture situation. This committee desires to bring its findings to your attention and invites your careful consideration of the facts.

1. Moving pictures may be used to great advantage both for educational purposes and for amusement if proper pictures are shown. Educational pictures, we believe, would include such as these: (1) Pictures illustrating the geography of travel, commerce, the industrial arts, etc. (2) Pictures illustrating historical subjects, dramas, monuments, pageants, current events, etc. (3) Pictures illustrating the natural sciences, fisheries, birds, animals, their habits and habitats, etc. (4) Pictures illustrating literary subjects—Pied Piper of Hamelin, Lady of the Lake, Shakespearean dramas, etc.

Pictures for amusement should include such as are funny without being disrespectful, vulgar, or suggestive of the immoral. We recognize the difficulty here, but believe the following rules can be observed:

(1) Harmless fun will not show old age to disadvantage; it will not ridicule the crippled or demented; it will not make light of conjugal infidelity; it will not lower respect for women. (2) Harmless fun will be based upon innocent situations, such as mistaken identity, surprises, antics of clowns, etc.

2. Every moving-picture theater in the city has been visited, and the following facts have been discovered:

(1) The theaters are badly lighted and poorly ventilated.

(2) Great numbers of children are admitted contrary to the law, which states that children under 16 years of age are not to be allowed to moving-picture performances unless accompanied by parents or guardians.

(3) Thirty-one children, unaccompanied by parents or guardians, under 16 years of age, whose names, addresses, and ages are known, were seen in seven theaters by principals or teachers during a single visit. Many children, apparently unaccompanied, were present, but we confine ourselves to those whose names and ages we definitely know and specify here: Art, 4; Happy Hour, 2; Park, 1; Cozy Corner, 7; Orpheum, 5; Bijou, 4; Majestic, 8.

(4) Passes are being given to children under 16 years of age for services rendered, and these children are admitted unaccompanied by parents or guardians. This is contrary to law.

(5) A large percentage of pictures seen during our investigation were valueless, vulgar, unmoral, or immoral, representing such scenes as silly love affairs; highly sensational scenes—fights, drinking scenes, robberies, hairbreadth escapes from fires, etc., accidents, scenes of violence, western hold-up, etc.; incidents making light of crime—ridiculing the officers of the law, sympathizing with the culprit, etc.; conjugal infidelity; and social impurity.

The committee therefore offered the following resolutions, which were unanimously adopted by the Journal Club:

Whereas we believe that moving pictures of the right sort are of great benefit to the public in general and to children especially; and

Whereas upon careful investigation it is found that theater managers are violating the law in regard to the admission of unaccompanied minors; and

Whereas many of the pictures shown are valueless, vulgar, unmoral, or immoral; and

Whereas, in the interests of 18,000 children of school age in the city of Schenectady, we believe that these conditions should not be allowed longer to exist; and

Whereas many picture theaters as at present conducted are detrimental to the well-being and morals of our youth: Be it

*Resolved*, (1) That the Journal Club present these findings to Mayor Schoolcraft, through the hand of Dr. A. R. Brubacher, superintendent of schools;

(2) That we urge Mayor Schoolcraft to see that the law concerning minors is enforced, and that he forbid the exhibition of any pictures in Schenectady that have not the approval of the national board of censors;

(3) That the Journal Club appoint a committee of five to attend a meeting on Wednesday, March 11, at 12.15 p. m., in the Young Men's Christian Association rooms, to meet other committees representing the Ministerial Association, the Young Men's Christian Association, the Humane Society, the welfare department of the General Electric Co., and endeavor jointly to secure legislation that would clothe the national board of censors with power, and also to consider such other ways and means as would make the moving pictures exhibited of the greatest possible value to our city.

JAMES BAIRD,  
C. E. WILLIAMS,  
C. P. DALTON,  
E. R. WHITNEY,  
*Committee.*

The above resolutions were unanimously adopted at a special meeting of the Journal Club held March 4, 1914.

That same Journal Club of Schenectady, which had given such thorough study to this problem and gave the "national board of censorship" needed legal authority in order to enforce its decrees, on learning of the Smith-Hughes bill sent a petition for it to Congress.

#### MORE PRECEDENTS FOR PREVENTIVE LEGISLATION.

And now let me return to the citation of precedents for preventive legislation. If the plan of the so-called "national board of censorship" is right, the Interstate Commerce Commission ought to be abolished. Some "watchdog of the Treasury" ought to rise in Congress and say, "We are wasting a lot of money on this Interstate Commerce Commission. We ought to have its work done by a volunteer commission, supervised by a "staff" that is paid by the railroads."

Mr. FESS. Might I interrupt you by saying that I have another engagement at 10.15 and the chairman will excuse me.

Dr. CRAFTS. Yes, sir. I want to mention one other thing. If you will give me the privilege of putting my manuscript in to complete the record without attempting to read it, I should be very glad to do so.

The CHAIRMAN. All right; you may do so.

Dr. CRAFTS. The next precedent I cite is the efficient law against prize-fight films, previously described. Congress has already censored bull fights and prize fights. The third precedent is the film censorship that the Sixty-third Congress voted for the District of Columbia. It was vetoed by President Taft because Congress put the burden on the commissioners. They said they could not carry it, and asked President Taft to veto the bill. It was done not on the merits of the case but because machinery for enforcement was not at hand, such as this bill provides. Congress has decreed censorship of foreign films in the tariff law, but I hear it is not enforced, perhaps because it would be contrary to treaties to censor foreign films and not our own.

Mr. BINDER. Mr. Chairman, that statement is not true.

Dr. CRAFTS. Now, I want to cite another case of "prepublicity censorship," the law for inspection of meat. Government officials inspect meat before it poisons the people. Another precedent was cited by Judge Towner—the Post Office censorship of fraudulent advertisements. Then there is the case of injunctions. What is the principle of an injunction? To prevent an evil clearly foreseen when punishment after the harm was done would not be adequate. Injunctions have sometimes been abused, but they have oftener been of great use.

Mr. TRIGGER. Mr. Chairman, I would like to ask a question—

Mr. DALLINGER (interposing). Dr. Crafts, you spoke about an injunction. Is it not a fact that the equity courts of the United States have always refused to grant an injunction against a libel in a newspaper upon the ground that it was against public policy?

Dr. CRAFTS. That might be very proper. But this is not a case of free discussion; it is a case of amusement.

Mr. DALLINGER. I want you to make it clear to the committee, because it is not clear to me, what is the distinction between the moving picture and the printed play—the book. Is it not a fact that a book can be just as obscene and immoral as a motion picture?

Dr. CRAFTS. A book can not make half as powerful an impression as a photoplay.

Mr. DALLINGER. Why not?

Dr. CRAFTS. The devil never could put anything before the minds of children in print so effectively as is done in these vivid moving pictures. To sit and read something in a book, something that is not in action, is not half as bad. We can trust books and newspapers and theaters to local regulations, save as the Federal law restrains their transportation, if obscene, in the mails and in interstate commerce.

Mr. DALLINGER. I do not follow your reasoning. It appeals to me just the other way. A boy or girl goes to a moving-picture show and something which may be claimed to be objectionable is shown on the screen for a second, and then something else comes in. Now, something that is immoral, or obscene, or tending to break down the morals of the young if it is in a book, is often read over and over again, and passes from one boy to another and talked over, if they have read it.

Dr. CRAFTS. The difference is that imagination is not as powerful in most people as the moving pictures. In the case of the obscene reading matter the boy has to make his own picture in his "chamber if imagery," and that is not equal in vividness, nor is any obscene picture in a book, to a bad film. Fifteen per cent of those attending moving pictures, the national board tells us, are children, and the adolescents of the "teen age" are still more endangered by vicious and criminal films. I believe it is for the interest of the motion-picture business, as well as the Nation, to leave the sex problem plays to the stage and have it understood that there is one place of recreation where whole families and their guests can go with confidence that they will get only good and not harm. I do not advocate that as a standard for censors but as the ideal for the trade.

Mr. DALLINGER. Is it not a fact that these things that you find objectionable are in all the best books of fiction that ever have been written, including the Bible, religious books, and public sermons?

Dr. CRAFTS. Well, there are four murders in Hamlet. I go to see Hamlet and I do not go away with a wish to kill people; but if I go and see cowboys killing people in a wild west show, when I come out I feel like getting a pistol and shooting somebody. [Laughter.] Expert commissioners will know when crime and vice are presented harmfully or helpfully. We do not expect either to be wholly excluded.

Mr. TRIGGER. If you will allow me to put one question—

Dr. CRAFTS (interposing). No, sir; I can not spare any time, it is so near time to close, and Mr. Barber needs all the remaining time.

The CHAIRMAN. The gentleman refuses to yield, and I declare you out of order.

Let me illustrate by a quotation how an expert psychologist on a censor board, giving his whole time to the study of the effect of motion pictures, might reason about them.

#### CRIMINAL INFLUENCE OF MOTION PICTURES.

Dr. William Healy, director of the Chicago Psychopathic Institute, has given much thought and study to the influence of motion pictures and writes as follows in his valuable book, *The Individual Delinquent*.

"Some of the most graphic accounts of the influence of pictures have come from personal interviews with offenders, where in detail the vivid nature of the mental process is exposed. Offenders, we find, have been sometimes fairly obsessed and impelled by the character of pictures seen. In this matter, too, the perversion of the sex element makes the chance of future representation all the stronger on account of natural impulses in that direction. The combination of sex offenses with other criminality forms an unusually virulent admixture for later mental depiction.

"When it comes to motion pictures, we have added elements of force for the production of either good or bad. Not only a single event, but chapters from life histories are depicted. Not alone is one action or posture depicted, but there is added all of the motor phenomena active through a period of time. The act is not suggested; every detail of it is made clear. The breaking open of a safe, the holding up of a train, the effort at suicide, all are presented in such fashion that it is bound to recur as a memory picture of detailed events, if there is any tendency or opportunity for its mental reproduction. Added force comes from the concrete issues which are represented.

"The main hope for the prevention of these undesirable effects will be found in rigorous censorship of perverting pictures and in radical prosecution of those who produce and deal in obscene and other demoralizing pictorial representations."

We are in favor of both methods, prevention and cure, "prepublicity censorship," in the Hughes bill, to head off all the evil we can, and in addition such an amendment as our opponents here ask as a substitute, namely, the specific inclusion of "obscene motion-picture films," in the law forbidding transportation of obscene matter in interstate and foreign commerce. I had the privilege of drawing and promoting the amendment that extended that law to foreign commerce, and I am glad to second the request of the motion-picture interests, expressed through their chief attorney, to have "obscene motion-picture films," which I think already come under the law, specifically included, to remove all doubt; only I want this amendment not as a substitute for the preventive regulation provided for in the Hughes bill, but as additional legislation by which each city can protect itself. With both laws we should be armed with both "prevention" and "cure"; the second in reserve, in case the first should not fully accomplish the work—the first to restrain the producer, the second the exhibitor.

Mr. TRIGGER. Mr. Chairman, I wish you would allow me—

The CHAIRMAN (interposing). I will have to rule you out of order.

Mr. BARBER. I wish I could allow you that time so that you could talk yourself blind.

Mr. TOWNER. I would like to ask a question.

The CHAIRMAN. You may ask it, Judge Towner.

Mr. TOWNER. I would like to ask Mr. Cromelin about this paper which he presented while I was not here. As I understand, Mr. Cromelin, this is simply a transcript of section 245 of the criminal code?

Mr. CROMELIN. Yes, sir; with the exception of the words "motion-picture films."

Mr. TOWNER. Those are the only three words that you would suggest at this time?

Mr. CROMELIN. Yes, sir.

Mr. TOWNER. Have you any brief to present to the committee?

Mr. CROMELIN. We expect to after the arguments close.

Mr. TOWNER. You know, at the last hearings in the previous Congress I asked counsel for the moving-picture film companies to furnish a brief of the law, but we have not been able to get it. For my part I am very anxious to have a full brief of the law on the question.

Mr. CROMELIN. We will be most happy to do that.

Mr. TOWNER. Let me say to you at this time that we can not take the time to hunt up these cases and references. Could you not get up a list of all the decisions of the Supreme Court of the United States or of the State courts in cases involving moving-picture films?

Mr. CROMELIN. I would be very glad indeed to do so.

Dr. CRAFTS. Now I will introduce Mr. Barber, superintendent of the Society of the Prevention of Crime, of which Canon William Sheafe Chase, my associate in the initiation of the movement for Federal censorship, is vice president. We regard Canon Chase as the greatest expert on film censorship, and hope he will be here to conduct the hearings of Monday and Tuesday. He is detained this week by the serious illness of his mother. Mr. Barber takes his place, and will have what remains of our time to-night.

(Submitted by Mr. P. A. Powers:)

WASHINGTON, D. C., January 15, 1916.

*To the honorable Committee on Education.*

GENTLEMEN: The writer represents the Universal Film Manufacturing Co., of New York, and is the owner of 44 per cent of the capital stock of the company, and occupies the office of treasurer. This corporation has been in existence for the past four years. It was organized with a capital stock of \$2,000,000, and took over the business of eight separate and distinct producing companies, one of which was operated by the writer, and all of which were engaged in the production of motion pictures under their own individual trademarks, and who sold and transferred their business to the Universal Film Manufacturing Co.

At the time of the incorporation this company was in the business solely of producing pictures, since which time we have extended our business to the distribution of the films, both in the United States and in every country throughout the world, including China and Japan. We are operating at the present time outside of the United States about 25 branches in the various foreign countries. In the United States and Canada we have established and acquired 30 distributing offices, located as follows: New York City, 3; Boston, 2; Chicago, 3; Kansas City, 1; St. Louis, 1; New Orleans, 1; Charlotte, 1;

Washington, D. C., 1; Atlanta, 1; Dallas, 1; Memphis, 1; San Francisco, 2; Los Angeles, 1; Portland, 1; Seattle, 1; Butte, 1; Denver, 1; Salt Lake City, 1, and Pittsburgh, 1; and 5 distributing agencies in Canada.

We have found it necessary to extend our business and the operations of the company to the distributing end of the business in order to give the proper daily service to the patrons of the motion-picture theaters throughout the country. The owners of the company have never taken any of the profits from the business, but have reinvested it for the extension and improvement of same. At the present time the company's business has a value of approximately \$15,000,000. Our investment in South American territory since the commencement of the war amounts to \$500,000. We have expended large sums of money in real estate and the construction of suitable buildings, studios, laboratories, etc., for the production of motion pictures such as the public require and demand at the present day. In Los Angeles, Cal., we have acquired a tract of land of approximately 400 acres, on which we have erected buildings suitable for our requirements at an expenditure of over \$1,000,000. Our studios in California are operated by a very efficient organization, employing as we do, upward of 3,000 people for the production of pictures in Universal City alone. Among these employees are some of the best-known artists and writers in the United States, some of whom are as follows: John Fleming Wilson, Peter B. Kine, Bronson Howard, Louis Joseph Vance, Irving Cobb, Charles Van Loan, and many others of equal fame. Universal City has been visited by nearly all the well-known men of the United States, including President Wilson, Vice President Marshall, and ex-Secretary of State Bryan, and all of whom have expressed themselves as highly pleased and gratified at the manner in which the business of making motion pictures was conducted.

We have recently erected at Fort Lee, N. J., studios and laboratories, and invested more than \$500,000 to date. The pay roll at Universal City amounts to \$60,000 weekly, and at Fort Lee \$20,000 weekly, making a total for pay roll alone of \$80,000 weekly. This, together with the cost of productions and other operations, forces the company to spend in the making of pictures upward of \$125,000 weekly. This does not include expenditures made in the marketing and distribution of the goods, but simply the manufacturing and producing expenditures.

We have on hand and invested, according to our latest inventory of November 1, 1915, in unreleased negatives completed ready for market and for publication approximately \$1,500,000. These latter pictures have been made, stories have been written, contracts have been made for well-known books by well-known writers, and the company has entered into contracts, in many instances obligating itself to pay royalties as high as 10 per cent of the gross receipts from the sale and exhibition of these pictures, and in many instances the contracts compel us to release the pictures for exhibition on specified dates, and in default to pay the authors penalties as damages the approximate amount of the royalties.

I wish to emphasize this fact, that the bill which is before you for consideration will place all of these investments at the mercy of the commission which the bill requires shall be appointed to pass upon these productions which are already made, and in case the commission does not approve of these productions they are necessarily a total loss. The danger of this condition appals the writer, and I can not bring too forcibly to the attention of the committee their earnest consideration of these facts.

No commission can acquire the necessary knowledge of this business in order to regulate it without bringing ruin to all at present in the business.

We also have on hand already published and in our various distributing offices upward of 75,000 reels of films which are in constant use in transit daily, and which, according to your bill, makes it obligatory on our part to have each and every reel of films censored by the proposed commission. Our revenues are derived from the constant use of these films, and aside from the tax of censoring, which has to be paid to the commission, and the express charges to and from our various offices, and which would amount to approximately \$150,000 on the films already published, the additional loss which we would suffer, due to the fact of having all those pictures censored and the loss of time entailed therein, would practically ruin our business and the business of our customers.

In some instances, as in Ohio and Pennsylvania, the reels used in these territories have already been censored, and at a very great expense to us, both in fees and loss of time. As stated, the fees alone last year amounted to

approximately \$40,000. The loss of profits I can not estimate at the present time, but which expenses and losses we have just been able to survive, but which only applies to the small number of localities in which official censorship is in operation, but which, if this bill is reported favorably by your honorable body, will mean a great increase in official censorships throughout the country and will practically make it impossible for us to continue in the operation of our business.

Due to the loss of time in precensoring negatives before publication, it will require an added investment in unreleased negatives—that is, stock on hand—of \$500,000. This will be caused by the delay of the commission in reviewing the films due to the amount of films submitted weekly for review, which would be approximately 10,000,000 feet, and for which there could be no commission capable of passing and reviewing these pictures in the manner proposed. These figures are conservative, and do not take into consideration the whims of a commission of this kind.

I am certain that the originator of this bill has not the least conception of what it means to an industry of this kind, which requires expert knowledge in every branch of its business for the operation and conduct of same, and which has been growing, and growing rapidly, through the last 10 years.

At the present time there are in the various distributing offices of the Universal Film Manufacturing Co. and other companies operating in a similar manner, and also in companies operating as distributors only, upward of 1,500,000 reels of film, each reel containing 1,000 feet of motion picture. This amount of film alone would require, without the necessary 10,000,000 feet of new productions, at least three years to review and censor, and a force of not 5 but 100 people to pass upon and review, and which in license fees alone would entail a tax on the industry, according to the terms of the bill, of over \$1,000,000, which, exclusive of express charges and other losses, would practically mean a suspension of the business in the United States. I am certain that the members of this committee have not sufficient figures before them which would guide them to pass upon a bill of this kind. Neither had the author of such a bill any knowledge of the actual conditions of the business, or it would never have been introduced.

The producers and manufacturers realize the danger to their business if a bill of this kind has the sanction of this committee, and even though the bill is defeated in the House, the danger of it being passed favorably by your honorable body will encourage throughout the land legislation throughout every State and municipality for similar censorship, and from what the writer has observed, and from his past experience, there are in every community people of the leisure class who are very keen to interfere and inject themselves into a business of which they know but very little and in a great many instances are in entire ignorance of.

The writer wishes to emphasize the statement which he had the privilege of making before your committee, that the manufacturers and producers of motion pictures in this country are not adverse to regulation if your honorable body deems it necessary, but they do strenuously object to censorship, and particularly the censorship in the form which this bill represents and the conditions which it entails upon this industry, and which in my opinion will mean ruin to those at present engaged in it.

The time allotted to our side in opposition to this bill is so short, and the industry is so large, that it will be impossible to present to you the proper kind of statistics which is it absolutely essential you should have at hand before passing upon a bill of this character. Other members of the trade will present to you arguments against the bill.

I also understand that other parties, not interested in the production of pictures but solely from the standpoint of the public, will present to you their arguments against the passage of this bill.

I would also call your attention to the fact that 80 per cent of the motion pictures produced in this country are produced outside of the city of New York—that is, the negatives. In California, due to climatic conditions, producers have found it economical to produce there, and at least 60 per cent of the pictures are produced in that State. This bill in its present form will prohibit the transfer of the negative motion-picture films so produced in California and other places to New York for our inspection and for the purpose of making our positive copies therefrom, as such transfer, according to the terms

of the bill, would make it criminal upon our part before being submitted and passed upon by the proposed commission.

Another thing which I have noticed from the remarks of the gentleman advocating the passage of this bill is that it is due to a public demand. This demand has not been observed by anyone but Dr. Crafts, as, to my personal knowledge and the facts which I have at hand, this gentleman has been working diligently for the past three years endeavoring to have the various Congressmen and Senators receive telegrams from parties in the locations represented by the members of the committee. Copies of these requests for such telegrams and letters the writer has in his possession, and which would show clearly how Mr. Crafts has conducted his propaganda and the idea for the necessity of censorship originated in his brain and his only; but during the time that he has been working on this propaganda the men who have their money invested in this business and who have the future of the business at heart have made wonderful strides to correct any tendency there might be in the business which might encourage criticism, and to-day I will challenge Mr. Crafts or anyone interested to produce one picture which would show immorality or a tendency to incite crime. The facts contained in this letter are the ones which present themselves forcibly to me at the present time. I would like an opportunity given to me by your honorable body to compile figures in such form that they can be easily and readily understood by each and every member of this committee. This necessarily will entail some time, and I would respectfully beseech you that action shall not be taken or shall be delayed until such figures are submitted to you by the writer and by the members of the various companies who find themselves in a similar position.

Respectfully submitted.

P. A. POWERS,

*Treasurer Universal Film Manufacturing Co.*

The CHAIRMAN. Mr. Barber, you may proceed.

**STATEMENT OF MR. H. CLARK BARBER, SUPERINTENDENT OF THE SOCIETY FOR THE PREVENTION OF CRIME, NO. 50 UNION SQUARE, NEW YORK CITY.**

MR. BARBER. My name is H. C. Barber. I am an attorney in the city of New York. I am superintendent of the Society for the Prevention of Crime, 50 Union Square. I do not happen, as Dr. Crafts has said, to represent any number of Methodist clergy or any other clergy. The Society for the Prevention of Crime is a social body incorporated many years ago to deal with all problems affecting this subject, from literature and dissemination of literature all the way through, including the prosecution of crime and law enforcement. The attitude of the society on this question—or at least I will say my attitude—is that we take no position on this matter because of purely religious interests, and we believe that the principle of licensing which has become general in the State and Nation should be applied in some form to the subject of moving pictures. The fact that the manufacturers have submitted to this so-called board for so many years indicates something in favor of censorship. There seems to be a good deal of difference of opinion between the manufacturers and the board itself as to just what it is, but it indicates an admitted need, and, as has been brought out, a demand for regulation. I will read a section from last year's hearing by Dr. Carter, who spoke for the particular censorship board, in which he stated: "In the past year there was almost half a million dollars worth of film sent to the scrap heap."

Dr. Carter said that that was an evidence of the need for this body. The fact that that opinion is indorsed by individuals, communities, legislators, aldermen, and others at numerous places

throughout the country and is growing, is a further evidence that somebody besides Dr. Carter thinks there is a need for censorship. It is also an evidence that they think there is a need for some other censorship besides the one they are getting now.

I wish to state that I take no position of antagonism. I do not state or suggest that the average moving picture manufacturer would knowingly put out an indecent film. It might be possible, but I make no such charge. It is the minority of the picture manufacturers that call for this law, the same as the minority in any community in connection with any crime call for it. We do not have a law against murder to stop you people from shooting anybody. It is to stop the small minority. We do not have a law in any community to reach the majority.

Furthermore, as has been already brought out by many members of the committee, I do not know the members by name, and it may be the same member who raised the question last year:

MR. THACHER. But dangerous films are not covered by the law. For example, could not a film be dangerous without being indecent; and that would not be covered by the law, would it?

MR. BUSH. I do not think so.

I cite that to show that the realm of pictures which this legislation would reach is not the decent pictures. There are some pictures so rotten that no decent people would stand for them. There are some which have passed the so-called board of censorship which some people would not stand for. I wonder, let me say, what would be the effect if such a situation should arise with the national board of censorship as arose with the Pennsylvania board. My friend, Mr. Irwin, for the manufacturers, has said here to-night: "We went before that board and told them that we would not submit to it, and we threatened them. Finally, they did remove the picture that we wanted condemned." Now, I wonder, if Mr. Irwin should go into the national board of volunteers and threaten to withdraw full support of the manufacturers from that board whether that would influence that board in any way—and that is no imputation upon the motives of any individual.

MR. BINDER. Then, what is it?

MR. BARBER. I leave it to your judgment. You can settle it yourselves.

MR. BINDER. I would prefer that you should answer that question, Mr. Barber.

MR. BARBER. If a threat can move a board of censorship backed by legislative authority, is it not possible that if the present voluntary board took a position that the manufacturers did not like such a threat might influence that board in some degree?

Now, in connection with the copyright matter which one of the speakers last night, I think, almost inadvertently, without realizing it, happened to mention. As a matter of fact, so far as I am concerned, I do not regard the copyright features—the forbidding of copyright to certain classes of pictures—as of much importance, except that it might delay action on the bill. Personally, I would not care whether it was stricken out or not. But the gentleman happened to read some portion of the international agreement coming down to Washington, so he said, and he read the third article of that agreement. Perhaps if he had stayed on until he got to Richmond

he would have read one or two other articles. The article which he read is the article which gives full rights in this country where a copyright has been had in another country.

In the first place, I wish to call your attention to the fact that this agreement was ratified by the Governments of the Dominican Republic, Guatemala, Honduras, Panama, Nicaragua, Ecuador, and Bolivia, and then I want to show you that the construction which he placed on the agreement is not correct. He read article 3. I am now reading from the Fourth International American Conference Convention on Literary and Artistic Copyright, article 4:

The copyright of a literary or artistic work includes for its author or assigns the exclusive power of disposing of the same, of publishing, assigning, translating or authorizing its translation, and reproducing it in any form, whether wholly or in part.

Now, does the gentleman contend that any court would so construe this agreement that any positively indecent piece of matter, whether printed or otherwise, because it got a copyright in a country which had no standards, under this other section could be disposed of and published and handled freely? Such a construction would be folly. That intention was not there. Article 15 reads as follows:

Each of the Governments of the signatory countries shall retain the right to permit, inspect, or prohibit the circulation, representation, or exhibition of works or productions concerning which the proper authority may have to exercise that right.

Furthermore, I stopped in to see Mr. Solberg, of the copyright division of the Library of Congress, he being the man to whom our friend would submit any of his matter for copyright, and he said he saw no practical objection to it. In fact, he said to-day that postal cards of a vile character which, at first blush, it is his duty to register, are sometimes submitted by him to the Post Office Department, and if they say they are not mailable he refuses to copyright them. He has been doing that for 20 years and nobody has dared to take exception to his opinions in the courts.

Mr. CROMELIN. I do not care to take up any time, but I would like to have a half a minute of your time to answer certain statements you have made.

The CHAIRMAN. Does the gentleman yield?

Mr. BARBER. Not at this time.

The CHAIRMAN. The gentleman refuses to yield.

Mr. TOWNER. Mr. Barber, may I suggest that if you do not regard that of material importance would it not be better to discuss the features of the bill that are universally regarded as important?

Mr. BARBER. I think it is important only in the matter of time, if the committee sees fit to act on this bill favorably. This is my first trip to any committee in Washington, but if this was in Albany, in the State Legislature of New York, an amendment would mean a slight delay, which might defeat the chances of getting it passed. If it will not affect it in any other way, it will be all right.

Mr. TOWNER. Let me suggest that this bill is not pending in the House; that it has not been even read before the committee for amendments in the committee. It has not been reported to the House. It has not been placed on the calendar.

Mr. BARBER. I have stated my position clearly on that.

Mr. TOWNER So that the reference to amendments delaying it would not affect the progress of this bill.

Mr. BARBER. I have no objection to that amendment whatever.

Mr. POWERS, of Kentucky. Of course, I do not want to interrupt the line of your argument, but I would like to have your side and the other side, too, or rather I would like to hear a discussion on the proposition as to whether or not there would be any appeal from this board, as proposed by this bill, to any other tribunal from any injustice that might be done by this board, and also what authorities you have on this proposition and upon the further proposition as to whether or not the film business has within it such a quality of improper matter to such an extent that the various State legislatures of the various States and municipalities are not the fit ones to deal with that in the various States, and not by the Federal Government.

Mr. BARBER. Would you mind refreshing my recollection in following your question? I forgot your first point, your last question was so long.

Mr. POWERS. My first question was as to the matter of appeal

Mr. BARBER. I have made no special study of that question, but I have no doubt of the right of any person who believes that such a commission has misused its power to apply to the courts, the same as in any other case. I do not believe that an arbitrary or unreasonable exercise of authority can be kept out of court if the person who has been misused seeks to get in.

Now, there are just two or three other points, and I am through.

First of all I want to state that I have no what you would call "bug" on this subject. I do not care what you do, provided there is some "punch" behind it, because it is time that something of a real preventive nature was accomplished. There is no presumption of the qualifications of a doctor who is starting out to practice medicine. We would compel the junk man to qualify, not because of what we can get out of him in fees, but because we want him to behave himself and to know that if he does not he can be put out. We license theaters, and yet, when it comes to the matter of pictures, which, when released, reach so many communities at the same time, it is objected to, and my chief issue with the people on the other side is that they absolutely refuse to consider any other form of regulation.

Mr. TOWNER. With regard to the appeal proposition, if the creation of a commission as a part of a bureau, as this bill does, is rather anomalous, if it should be considered as being one of the subordinate divisions of the bureau, there would be, of course, the right of appeal from the decision of the bureau to the head of the bureau, and from that to the head of the department, which would be the Secretary of the Interior. There would be that right, provided it should be considered as being really a departmental function.

Mr. POWERS, of Kentucky. But there would be no appeal to the courts?

Mr. TOWNER. There would be no appeal to the courts. I was just coming to that. The decision of a departmental officer with regard to a question that is purely departmental in its character is, of course, without appeal from the head of the department, but that would not, of course, prevent a recourse to the courts if a constitutional right was infringed. That would be an affirmative right which would have to be brought into the courts.

Mr. BARBER. Personally, I have no narrow contentions to make on this question. We believe, and believe it earnestly, that some form of preventive regulation should come, and the only proper sort of preventive regulation is the sort that they seem to fear because of the bugaboo of "prepublicity." I take it that my time is up. I thank you.

The CHAIRMAN. The hour of adjournment has arrived, and we will meet in this room to-morrow night at 8 o'clock.

(Thereupon, at 10.30 o'clock p. m., the committee adjourned until to-morrow, Saturday, January 15, 1916, at 8 o'clock p. m.)

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COMMITTEE ON EDUCATION,  
HOUSE OF REPRESENTATIVES,  
*Saturday, January 15, 1916.*

The committee met at 8 o'clock p. m., Hon. Dudley M. Hughes (chairman) presiding.

The CHAIRMAN. The committee will please come to order. I wish to say that these hearings are especially for the purpose of information to the committee. The committee desires all the information and light that is possible upon this important question in order that they may come to a just conclusion.

Now, I am going to respectfully ask that all the speakers to-night will proceed in order and whosoever has the floor will proceed in order, and I hope that the speakers upon the other side will not interpose any objection or will not interfere with that speaker without first getting his consent. Of course the committee will reserve the right to propound a question during these hearings at any moment they may see fit, because that is always customary.

Those on the affirmative side have the opening this evening, and the time will be controlled by Mrs. Culbertson and Mr. Binder, one hour and a quarter each.

Mrs. Culbertson, please state your name and whom you represent.

**STATEMENT OF MRS. JOHN N. CULBERTSON, PRESIDENT OF THE  
WOMEN'S INTERDENOMINATIONAL MISSIONARY UNION, OF  
WASHINGTON, D. C.**

Mrs. CULBERTSON. Mr. Chairman, my name is Mrs. John N. Culbertson, of this city, president of the Women's Interdenominational Missionary Union.

Mr. Chairman and gentlemen of the committee, in voicing our protest against unclean picture films and in asking for the passage of the Hughes-Smith bill, giving a censorship of films, I believe we might include to-night in our representation every mother in this wide land of ours. God through nature has given every mother an instinct to protect her child against harm. I question to-night whether there is a mother in this land of ours who would desire improper pictures to be shown to her child. We are representing to-night the motherhood of our country. We are representing teachers. We are representing the churches and the young people people banded together in Christian Endeavor and Epworth League,

clubs, organizations, and societies who stand for physical and moral cleanliness.

Now, representing a large portion of the public, by whose dicta, we are told, our friends of the opposition will abide, I think I voice the universal sentiment when I thank the gentlemen on the other side for that which they have given us. We have to thank them for the educational pictures. We have to thank them for the inspirational pictures—yes, and we thank them for the funny pictures, the clean funny pictures. I wish we might stop there, but we must appeal to the board of education to give us the censorship for unclean pictures with which at present our country is flooded. One of the gentlemen speaking recently conceded that some of the picture shown were not suitable for children to see. Our cause will be lost if we can not demonstrate to-night that many of these films are unfit not only for children but for grown-up children to see.

I would like to give the name of one picture which I saw recently. I have seen a great many good pictures, and I have seen a great many doubtful pictures. I have seen some that made me ashamed for the author. This one that I would mention, and others may be mentioned to-night, is called Women and Wine. The very name is an insult to womanhood and motherhood, the combination women and wine. That was passed by the Ohio State Board of Censorship. I saw it. I know whereof I speak. I am glad that our chairman has very courteously made the suggestion that there be no interruption from the floor, because it might be embarrassing to be interrupted when we are not accustomed to speaking before such a large audience. If we may have the questions asked and answered a little later on, we will be glad to do so. I am going to ask now that Mrs. Margaret Dye Ellis, representing the National W. C. T. U., will now address the committee.

**STATEMENT OF MRS. MARGARET DYE ELLIS, REPRESENTING  
THE NATIONAL W. C. T. U., WASHINGTON, D. C.**

Mrs. ELLIS. Mr. Chairman and gentlemen of the committee, Mrs. Culbertson has told you who we are. I represent an organization of a half million of women in the United States, as their legislative superintendent in this city. I hold in my hand a telegram from the president of the union in Massachusetts, in which she says, "Success to you in your great fight for Federal censorship of moving pictures. The hearts of ministers and white ribboners are with you in this work." I can safely say that a half million women of the United States that know of our meeting here to-night have prayed God's blessing upon this work. I can tell you most honestly that, with my children and with my grandchildren—for I have the honor to be a grandmother—I have gone into moving-picture shows. Very frequently the boys will say, "Now, grandma, if you will just come in with us," and they will pay my way and take me in. My little lads will sit there a while and they begin to squirm, and they will say, "Grandma, do you think we had better stay?" And we go out. There are so many things that have been brought forward that should interest and should please and should teach and help and elevate our boys and girls, that there is a great opportunity for good. Why,

when we were children there were no moving pictures, and now it has come to us and it should be a thing to elevate our boys and girls. Why, we went into one picture show last summer up in Morristown, N. J., and you who know anything about Morristown know what kind of place it is—a beautiful city. It was an afternoon show. We went in and the place was filled with ladies in beautiful white gowns, and little children, and what should be the first scene on the film but a prize fight! “Well,” I said, “boys, I think we had better go,” and they said, “I guess we will.” And so it has been and so it is constantly.

It may bring a smile to you, but I tell you, dear men, it makes a mother feel ashamed and it makes a grandmother feel ashamed to have to sit there beside her boys and see such things.

This afternoon I had a letter from a lady in this city named Mrs. Waesche, 145 Uhland Terrace NE. She wrote this letter to Dr. Blakemore, of the Methodist Church South, and he brought it to my office and asked me to present it to you gentlemen here. In this letter she says:

As one of your church members and the mother of three growing children, I wish to enter the most strenuous protest against the moving picture as I have recently seen it shown at one of the theaters. Located in the heart of a beautiful residential section of our city, surrounded by and almost overshadowed by nine churches, from whose Sunday schools a large percentage of its audiences are drawn, its influence is boundless. What is the nature of this influence? Let me give you an example. Very recently I allowed my two elder children, 10 and 11 years of age, to go alone to this place of amusement, intending to join them almost at once. Being detained for perhaps half an hour, I met them hurrying from the theater in great excitement, the boy in tears, and both clinging to me as they begged me to come away at once. On questioning them I became satisfied that in order to counteract, if possible, the awful influence that had been at work for the past hour I must know just what I was fighting. It was a Russian play. The story was of the ruin of a beautiful young girl, who later on murdered one of her lovers by administering an overdose of sleeping compound, intended to keep him quiet only long enough to rob him. Her subsequent trial for his murder and banishment for life to the mines of Siberia, her final repentance and death from a bullet intended for the man she loved, the revolting details of the girl's ruin, the murder, her trial, the prison scenes, and the long, cruel march to the mines with its attendant horrors, including flogging with the knout, were all thrown upon the screen with sickening realism. Where explanation was necessary, it was supplied in the coarsest of language, often mingled with profanity. No words can paint those pictures as my children and many others saw them, and no words can measure the harm done to those innocent minds. The immediate result to my children was a restless, troubled night. Some time has passed, but I have found it impossible to overcome the horror that seems branded on their minds. They simply beg “not to be reminded.” This may have been an extreme case. I hope it was. How are we to know? If they have shown such a film once they will again, and no man, woman, or child could sit through such a play and escape unhurt. There are plenty of good films, instructive, educational, or purely amusing, that, offered on any day but the “one day” which we are commanded to “keep holy,” would fill the theaters and win only praise and approbation. It seems unbearable that we must submit to this slow poisoning process for the minds of our boys and girls, or else deny them what should be a safe and legitimate pleasure.

Do you know who are the censors in this city? I think you will find they are the policemen. I went to the commissioners last year about some moving pictures in town, and I asked one of them who were the censors in this city, and they told me the police. I said “Would you be willing for your beautiful little daughter of 5 or 7 or 9 years to look at pictures censored by a coarse man, perhaps,

whose moral sensibilities have been blighted; would you be willing to be guided by that?" They said, yes, they would.

Now, gentlemen, I hope you will give us something that will help us along the moving-picture line, for it certainly needs help. Thank you.

Mrs. CULBERTSON. The next speaker will be Mrs. Kate Waller Barrett, national president of the Florence Crittenden Organization and executive president of the National Council of Women.

**STATEMENT OF MRS. KATE WALLER BARRETT, PRESIDENT OF THE FLORENCE CRITTENDEN ORGANIZATION AND EXECUTIVE PRESIDENT OF THE NATIONAL COUNCIL OF WOMEN.**

Mrs. BARRETT. Mr. Chairman and ladies and gentlemen, I represent an organization composed of about 3,000,000 women, 27 national societies, including the leading national societies of women in the United States, such as the Daughters of the American Revolution, the Federation of Women's Clubs, and other organizations of similar standing in the community.

I am chairman of the international press committee of the International Council of Women, composed of societies representing 22 nations in Europe. For the last six years it has been my practice to study the problem of amusement, especially the problem of moving pictures in this country and in Europe, and to call to my assistance in considering this problem the most efficient men and women of broad standing in this country and in Europe. I want to say to you, Mr. Chairman, that it is the unanimous opinion of all these various groups of men and women that there should be some sort of censorship that should be effective. I want to say to you also that, although I come from the State of Virginia and I am a very strong State rights woman, I stand here to-day and plead for Federal censorship of moving pictures. [Applause.]

The CHAIRMAN. I will ask the audience to please keep order.

Mrs. BARRETT. I want to say to you furthermore that this action on my part is taken with the greatest of friendliness toward the moving-picture men and the moving-picture interests. I look upon the moving picture as having solved one of the most difficult problems which we of moderate means have had to face, and that is the proper educational amusement of our children. People of large means can get amusements they want, but people of small means are not so fortunate, and they take the best they can get. I know of nothing so educational, so magnificent, and so far-reaching as the moving picture for the future education of the child not capable of having expensive amusements.

Furthermore, I say that I have great respect for the moving-picture business. For economic considerations, I would not stand here and plead for anything which would make it more difficult for men to carry on their business in an ethical and satisfactory manner. I believe they should have big results from the money, the brains, and the time that they have expended in their business.

I say that when I look in the faces of these gentlemen who I suppose are representing the moving-picture interests, I hope we will have them with us, and that instead of working against us, because

our interest is their interest, that we will be able to work together. And I pledge them my honest and earnest support for anything they can do to elevate motion pictures. I pledge them my earnest support against anything injurious or out of the way in ethical standards that may be used against them in Federal or State legislation as far as I possibly can assist them. I want to say furthermore that I am not a narrow-minded woman. I do not expect to have everything here like it is going to be in Heaven, or like we would like to have it in our own homes.

Now, I am pleading for regulation of motion pictures on another ground than moral grounds. That is upon political grounds. We are facing a great national problem to-day. We will have to be very careful of our amusements if we do not want to stand in the position of Austria-Hungary to-day—a nation of disjoined people, of many races and many tongues. There are some pictures which do not tend to bring the various races together. Let me give you an illustration. Recently I saw the film called "The Birth of a Nation." It is a most magnificent production, the most magnificent that I have ever seen, but I wish it had been made with a better purpose than to broaden the chasm which now exists between two races in this country. As a Southern woman, I protested vigorously. But when I went to California and saw the business men there and saw the vast amount of money that had been expended in the production of this picture, and where there was no precensorship, then I thought it would be an injustice to the men who had spent their money in producing this picture to make a fight against it.

Now, a picture of that kind, if it was put upon a political platform, representing a political group in this country, would be the most powerful factor in breaking up our spirit of unity, therefore it is not alone upon moral grounds that I favor this legislation but upon political grounds. I look upon the motion picture as one of the greatest advantages that we have in these times, but it is also a most dangerous thing if not regulated but left to itself. I believe that we should do everything possible to assist these gentlemen in improving this great movement and making it one of the very highest and valuable adjuncts to our educational system.

I thank you very much for your attention.

Mrs. CULBERTSON. We will now hear from Mrs. Ellis Logan, representing the Children of the American Revolution, being the State chairman of that organization and also one of the chairmen of the Federation of Clubs of the District of Columbia. She is connected with the art committee of that federation, and she has something to say about pictures that will be of interest to you.

**STATEMENT OF MRS. ELLIS LOGAN, REPRESENTING THE CHILDREN OF THE AMERICAN REVOLUTION AND THE FEDERATION OF CLUBS OF THE DISTRICT OF COLUMBIA.**

Mrs. LOGAN. Mr. Chairman, I come to speak to you for the children. "A little child shall lead them." I know there is not one man or woman here this evening but in whose heart the love of some little child is beaming and leading. We know that the children will be our great leaders in a few years when our work is over. We

know that no man or woman would for one moment allow a thought to develop in the heart of a child which would in the years to come be registered in crime. We are too good American citizens for that. I am so glad to say "we," because I am from Illinois and, you know, Illinois begins to claim the right of citizenship for even its women. The papers are all telling us that there are so many more women in the world than men. Some of us are mighty sorry for that. [Laughter.] Just now we want to tell you that if we are more numerous than men, we are going to make the most of it.

We have a sort of way of censoring pictures up in our neighborhood. I live at Fourteenth and Irving Streets, and we have some very fine pictures up there. We all go every evening as a social affair, and some of us go early and some of us go late. Those of us who go early come back and tell the rest of us whether the pictures are really worth seeing or whether we had better keep our dimes until another night. But some of us see the pictures that are worth seeing, and some of us see pictures that are not worth seeing, and the others save their dimes for the next night, when the pictures are better. One of our neighbors told me the other night that she regretted that she could not let her little children go to the moving pictures any more as a recreation because the quality of the pictures this season was so uncertain that she did not know what effect it would have on the children's minds. When the child came home and told her about the pictures in his own way, and told the story of the picture, sometimes it was so dramatic that the mother felt she could allow that impressionable mind to be under that influence. She made the plea that if any of the moving-picture places in our city would have a certain class of pictures the children could go and see those pictures and the parents would know that no picture representing crime, drinking scenes, the cabaret, or any scene which any decent man or woman would not see in actual life, and those places would be thronged with patrons.

If we are obliged to have a class of pictures put before us, not knowing the character of the picture by the announcement, those theaters should be so known that when the mother goes with her children for recreation to the moving picture she may know what the child sees is something that will be worth seeing and that will give pleasure to the child and be a real recreation. It is well said that "the eye is the gateway to the intellect and the ear the broad highway to the heart of man." The eye is the gateway to the intellect, and through that intellect we develop the vision which is to give us the foundation of not only this life but the life eternal, we pray that we may have the broadest censorship on these pictures and these things which come before our life vision that the mind of man can give us. We women would rather that our great Government would censor the things that come before our children than censor any group of individuals. In the hands of that Government we women feel secure, because by its legislation we feel that it will give the men and women of our country the very best, from the North and the South and the East and the West. We pray that we may have censorship at the hands of our Government. I thank you.

Mrs. CULBERTSON. We are fortunate in having with us, Mr. Chairman, representatives of the United Women of America, four ladies

coming over from Baltimore, Md., and our next speaker will be Mrs. Eleanor Freeland, chairman of the motion-picture committee of the United Women of America, second division.

**STATEMENT OF MRS. ELEANOR FREELAND, CHAIRMAN OF THE MOVING-PICTURE COMMITTEE OF THE UNITED WOMEN OF AMERICA, SECOND DIVISION.**

Mrs. FREELAND. Mr. Chairman and gentlemen, we are very glad, indeed, to come from Baltimore to add our voice to the strong plea that is made for the Federal motion-picture censorship. We are deeply impressed with the importance of this hearing, feeling that now there is hanging in the balance a measure so important and so far reaching that we can hardly see the end of it, and hardly see the effect of it.

Now, in 1913 the society to which I belong was asked by an important public board, a State board in Maryland, to assist the board to censor the motion-picture parlors in Baltimore. A complete list was furnished of all the moving-picture parlors in the city of Baltimore, and a committee of over 50 ladies, from week to week, visited these parlors, 2 and 2 together visiting 10 parlors a week. They kept it up until the following spring. In that way we practically covered the whole city. As a result of this experience what we especially wish to point out is the unequalness of the kind of pictures that we found in these parlors. Some of them were so well worth seeing, and so educational, and so uplifting, and others so degrading, so immoral, that we could not sufficiently deplore the showing of those pictures to groups of women and children—children who come into these parlors unrestrainedly in their innocence and in their helplessness, and are obliged to witness these things.

I think an illustration will better put before you the results of our investigations. I am going to mention three cases typifying three special kinds of accusations we have to make against the motion-picture parlors as we found them. One question is the question of immorality. It is very deplorable. I remember well about two years ago having a motion picture brought to our place where the nude figure of a woman was seen standing on the seashore. The terrible point about this film was that it showed a man's face witnessing it and it was magnified until it almost covered the whole screen; and it was repeated again and again with an insistence that was most foul and dreadful. That is on the question of morality which I hope you will consider. Now, let me give you another illustration. Not two months ago I went to a children's performance which purported to be a fairy tale, and I assure you it was far removed from the folklore spirit which we expected to find. The climax of the play was the abduction and assault upon a young girl which was carried to the extent of possibility. A little girl whom I know saw this play and she also saw another play the next week, and as a consequence, the child awoke screaming in the night, and from that time on, as long as I knew of the case, she could not be left to sleep alone. I am sure the nerve strains and excitement is most detrimental to the children.

Then the third point is the excitement to crime that is sometimes produced. As an illustration of that, there is a young man who is

working under a broad-minded clergyman who has come to his rescue. He is an ex-convict and the story that he tells is this: That he was led into crime by witnessing a theft in a moving-picture parlor. He will bear that stigma to his grave, although he is a man of education and good family.

And so, Mr. Chairman and gentlemen, we are begging you to further most earnestly with all your powers this bill for the Federal censorship of moving pictures. We must have a uniform standard for the whole country, so that these plays will not creep in and injure the morals of our children. I am sure I like to think, and I am sure I do think, that it is not by design of doing harm that these plays are presented to the public, and I hope that you will consider this question most earnestly.

Mr. BINDER. Will the lady permit a question?

Mrs. CULBERTSON. Not now. We have not time. Later on we will. Our next speaker will be Mrs. Edward A. Robinson, president of the Mothers' Congress of Maryland. She will take five minutes.

**STATEMENT OF MRS. EDWARD A. ROBINSON, VICE PRESIDENT  
OF THE MOTHERS' CONGRESS OF MARYLAND.**

Mrs. ROBINSON. Mr. Chairman and gentlemen of the committee, I come before the committee this evening pleading for the children of Maryland. But not only that, for the children of Maryland are like the children of every other State that is represented here, and I do not feel that it is only for the children we plead, though I personally am here in behalf of the children, but it is for the men and women as well. We know that every man or woman who looks back into his or her early childhood will remember how the things that they saw with their eyes have gone into their self-consciousness and become a part of their lives. A man will remember how he has seen things which he wished he never had seen, but which have had an effect on his whole life. Is it not a most important thing for this Nation of ours to put every educational feature we have before the children to help and give them the highest and best ideas of life and purity and goodness? Have you ever been led to high ideals from seeing evil and wrong? I am sure you never have. I am sure it is only the good thoughts that help us to higher aspirations. As the children are led by the ideals that are presented to them in childhood, so are the men and women of the future. Perhaps a few of you gentlemen go to the moving pictures. Perhaps there are some things that you remember, looking back in your experience, that you do not like to remember. You come out of those places sometimes with a right bad taste in your mouths and are sorry that you ever saw them. We want these pictures to be pure. We want all the help that the Government can give, and ah, how proud we are of the Government when it takes up these questions!

Look at the drug habit, look what the Government has done for that. Anything that the Government takes up, we know is going to be done right. We know that we will stand back and see it done right. The motion-picture men have thrown open the doors to the finest and most wonderful things that this country could have, and we want them to follow it up and continue the noble work that is

but just begun. Our country has gotten the moving-picture habit; the whole country has gotten it, unless it is some of these older men and women who go to things that are finer. So that even if the motion-picture houses show dull pictures they are sure of having an audience. In view of the tremendous influence that they have they ought to put up nothing but beautiful and helpful things and not things that will make our boys go to the juvenile courts or follow the steps of the boys who have gone to the juvenile courts, who have gotten their ideas of crime from what they have seen in the moving-picture show.

We find many experiences of this kind, many cases in which these boys have told us that they have been inspired to crime by seeing these moving pictures. We want pictures that will attract children and be helpful and uplifting to them. I speak in behalf of my 12 children and 5 grandchildren, and we are all in Maryland working together for good, high, and noble aims.

Thank you, gentlemen, for I know you are going to do what is right.

Mrs. CULBERTSON. The next speaker will be Mrs. W. F. Crafts, lecturer and author, of Washington, D. C.

**STATEMENT OF MRS. W. F. CRAFTS, LECTURER AND AUTHOR,  
WASHINGTON, D. C.**

Mrs. CRAFTS. We who live in Washington have great opportunity for knowing how splendid motion pictures can be. The National Geographic Society for six months every year gives us a weekly moving-picture exhibition connected with lectures on different countries of the world. I suppose they belong to the finest type of moving pictures that were ever made. I wish all the pictures shown in Washington were of that character. I have been accustomed to go to the geographic lectures for 15 years or more. I have not gone to the other motion pictures that we find on our avenues and our streets very much, but I thought I would devote myself to-day to visiting the motion-picture films in Washington, on the Avenue and on the different streets, and I have been shocked. I have seen robbery, adultery, trickery, the white-slave traffic, and almost every horrible form of sin. One day this week I was present at a woman's missionary meeting in one of the principal churches of this city, and I sat next to the president of the meeting and we talked about this motion-picture matter. She said: "My little daughter, 11 years of age, has been accustomed to going to the moving pictures, but she came home the other day and said, 'Mother, I think I do not care to go any more. I see one or two pictures that are good, that I like very much, and then I am so ashamed to look at the others that I do not want to go any more.'" And that same mother said to me: "I have gone to the moving-picture shows, but I can not go any more, because I see things that would make a modest woman blush even to think of. Often the harlot is made the heroine of the photoplay."

And then there is the story of the grandfather who took his little granddaughter to the moving-picture show. She wanted to go, and he did not want her to go, and he persuaded the father and mother

not to give her the nickel for admittance. But she got it from her friends and went. The grandfather went to protect her, and when there were bad pictures that she should not see held his hat before the child's eyes. Now, we want something better than a hat to protect children against bad moving pictures. We want an effective Federal commission of censorship or guidance—you need not call it censorship—that will make it unnecessary to hold a hat between the child and the pictures. I have been listening very intently and trying to see things from all sides. Most of the gentlemen on the other side have said that there are no bad pictures, but all the film producers do not agree with them. I have here a statement of Mr. Arthur H. Spiegel, president of the Equitable Motion Pictures Corporation, who says:

If a man from Mars dropped down to our earth and visited any one of our legitimate theaters, his first thought would be that every problem on our good old earth was a clash of sex.

If he visited our motion-picture houses and witnessed the majority of the features now playing, his first impression would be that our married women were all unfaithful and that most of our earthly mothers have never gone through the manifestation of the marriage ceremony.

That is one of your own motion-picture men, you see. He also says:

As the final word in the selection of material, I have pledged myself to purge the Equitable pictures of the least taint of lasciviousness and salaciousness. I know full well that I can apply the remedy to what I personally control, and I speak only of what I am in direct contact with, and which is of the greatest moment to me.

I will submit the statement of Mr. Spiegel in full for the printed report, lest anyone should say I have not quoted him fairly in the extracts I have read.

**SCREEN MUST PURGE ITSELF, SAYS EQUITABLE PRESIDENT—NO ONE MAN OR ORGANIZATION CAN CLEAN THE MOVIES, SAYS MR. SPIEGEL, AND PUBLIC DEMAND WILL SAVE THE PUBLIC FROM ITSELF.**

[By Arthur H. Spiegel, president Equitable Motion Picture Corps.]

When one is ailing—one seeks a diagnostician. When one feels well—one knows it. There have been a few signed articles by men in the picture industry, recently, calling attention to the unhealthy condition of the film market.

Each calls attention to the "matter with the trade," but no one essays a remedy, for no one person is equal to the occasion.

There are four forbidden topics in our social existence. There are four topics one would not bring up at a house gathering. Is it not just as reasonable that the four banned topics of conversation are just as objectionable to the men and women who attend the theater together—allowing, of course, for the morbid, neurotic and evil minded exceptions. These four forbidden topics are adultery, illegitimacy, prostitution, and infidelity, as shown crudely to gain the point in pantomime.

These are the four corners of filmdom that must be swept clean. These four corners have been the hiding place of so many careless cleansers that they are clogged and becoming more dangerous to the health of the industry each fleeting moment.

Of course, I do not know the remedy. But I do know the antidote that can be used as far as the company I represent is concerned.

As the final word in the selection of material. I have pledged myself to purge the Equitable pictures of the least taint of lasciviousness and salaciousness. I know full well that I can apply the remedy to what I personally control—and I speak only of what I am in direct contact with, and which is of the greatest moment to me.

If a man from Mars dropped down to our earth and visited any one of our legitimate theaters, his first thought would be that every problem on our good old earth was a clash of sex.

If he visited our motion-picture houses and witnessed the majority of the features now playing, his first impression would be that our married women were all unfaithful and that most of our earthly mothers have never gone through the manifestation of the marriage ceremony.

Its a direful condition. The eternal triangle, which must in some way enter into a picture story, can be unconventional without parading vice and corruptness of emotion.

"A daughter of the sea," "The Senator," and "The better woman" are three striking illustrations of what a picture, without the semblance of lascivty, can do to attract. The reports from exhibitors throughout the country, denote that these pictures have earned as much for our company and the theaters playing them, as has either "Should a wife forgive?" or "Divorced," both of which have been big money makers and both of which were based on the unfaithfulness of man and woman.

The innate conservatism of the American people—for no one is so conservative as the masses—opposes innovation, and with people of our race art always encounters the chilling influence of the Puritan spirit, always suspicious of beauty. In giving art and keeping art clean puritanism risks making it sterile. It never can learn that there is something antiseptic in liberty, so that it purifies itself and heals its own wounds, if abuse is eliminated.

Many years ago it was considered actually a sin to read a novel, and the boys and young men were left either to the puerile stories given out in the Sunday schools or to the nickel libraries, which could be folded conveniently for the pocket and so read under a desk leaf or behind the geography at school.

I do not argue for a catering to the puritanical spirit of witchcraft days, but the catering to the higher and more sensitive feelings in man. Not an appeal to his physical characteristics, but for an appeal to the mentality and deductional powers of the enlightened, the unsophisticated, well read, and unthinking alike.

It will come. It is seen in the attracting to the screen of such remarkably brilliant writers as Harriet Ford, Rachael Crothers, C. Haddon Chambers, and Richard Le Gallienne, who are all writing for Equitable and who have been instructed to "keep off the sex question."

Mrs. CULBERTSON. Might we hear a word, Mr. Chairman, from Mrs. Emma S. Shelton, of Washington, of the District W. C. T. U.

#### STATEMENT OF MRS. EMMA S. SHELTON, REPRESENTING THE DISTRICT OF COLUMBIA W. C. T. U.

Mrs. SHELTON. Mr. Chairman, this little white ribbon that I wear represents thousands of women in this city who are working for the purity of the children. I myself am a dear lover of the moving pictures, because I have a little grandson who is more fond of those pictures than anything else that I know of, and I chaperone him quite often to the moving pictures. I seldom go but what I see something that brings the blush of shame to my cheek, and I wish for the sake of this dear little grandson of mine, who is dearer to me than my own life, that something could be done to purify the moving pictures. I would lay down my life to-morrow for the children of this city if it would bring them purity and happiness. And for the children I plead. The rest of us possibly can see these things, and it may not do us any harm. But we know that certain things are written upon the brain of a child as if it was done with fire. We know how impressionable a child is at a tender age. We know how much more keenly and how much more quickly a child is educated through the eye than through the ear, and for the sake

of the children of this city I plead that these moving pictures may be educational, may be beautiful, and may be humorous—and there is not anyone who enjoys humor any more than I—if we can have humor that is pure and wholesome; and I plead with this committee and the gentlemen before me who represent the picture organizations and the manufacturers that the moving pictures may be made clean and pure for our children.

Mrs. CULBERTSON. Now, our next speaker, Mrs. Norman Hill, will say a word. She is the president of the Petworth Women's Club. Will you say a word, Mrs. Hill? We would like to hear from these clubs.

**STATEMENT OF MRS. NORMAN HILL, PRESIDENT OF THE  
PETWORTH WOMEN'S CLUB, WASHINGTON, D. C.**

Mrs. HILL. Mr. Chairman and gentlemen of the committee, I am president of the Petworth Women's Club of the District of Columbia, an organization of about 80 members. At our last meeting this question of censorship of motion pictures was discussed and we endorsed the movement for a Federal board of censorship in the District of Columbia for motion pictures. That is all I have to say. Thank you.

Mrs. CULBERTSON. We have with us Mr. H. F. Worley, who represents the United Society of Christian Endeavor of the United States. He is speaking for the entire United States. How many million of children and young people do you represent?

Mr. WORLEY. About 5,000,000, active and allied.

Mrs. CULBERTSON. Come over here and tell us about them.

Mr. WORLEY. As far as my voice will let me on account of a very bad cold.

The CHAIRMAN. Proceed, Mr. Worley.

**STATEMENT OF MR. H. F. WORLEY, REPRESENTING THE UNITED  
SOCIETIES OF CHRISTIAN ENDEAVOR IN THE UNITED STATES.**

Mr. SEARS. Where are you from?

Mr. WORLEY. From the District of Columbia. My headquarters are here. I am superintendent of citizenship of the Christian Endeavor Union. We include some 80 evangelical denominations in the United States and foreign countries, and in the United States about 4,000,000 young people with an allied membership of about 1,000,000. The eligible ages begin with about 7 or 8 years in the junior department, and then through the intermediate department, the young-people's society, and the seniors, but by far the larger portion of our membership is composed of those between the ages of 7 and 18 or 19. Nearly all of them are under age. After that time we endeavor to graduate them out of the society into active church work. We have in our organization or affiliated with us nearly all of the evangelical churches of the United States, except the Methodist Episcopal, who have their own individual organization known as the Epworth League. I shall endeavor to confine myself to a statement on behalf of the young people and from their viewpoint as I have seen and know it. The United Society will also file a statement which I

would like to have included in the record. I could furnish ever so many other statements from individual societies and unions over the United States as well as resolutions from them showing the sentiment that has been aroused because of improper motion pictures. These complaints come from parents very largely. These gentlemen have asked for public-opinion censorship rather than a legalized censorship, and I believe the statements that have been made tonight are what they would call, in their terminology, "a public-opinion censorship" of their moving pictures. They have not objected to the censorship in New York, and this is a very similar thing which it appears to me that this committee is endeavoring to have enacted into law and put under the Federal Government.

There has been some discussion on the part of the young people's societies of withdrawing their patronage from these motion-picture shows. That has been done to some extent. I do not know to how great an extent. There has also been discussed here in the District of Columbia a cooperative censorship of two or three moving-picture establishments, where it might be said that only such pictures were shown as has been passed upon by some voluntary committee. However, there are a number of undesirable features of that.

In the last week I took my boy and girl, together with my wife, to see a picture show and we visited three before we could tell from the outside pictures and description whether they were of such a character that we ought to take our children to view them. I want to say for the benefit of the motion-picture manufacturers and exhibitors who are here that the names convey nothing, in most instances as to the character of the film. The pictures outside of the theater do not always convey the fullest of information.

I want to say to you, Mr. Chairman, and members of the committee, that I have traveled not only in this country but in foreign countries, and I have seen some things that were very bad. So I am not hysterical about this matter at all. I have seen things recently in this country in the motion pictures that have shocked me, and it is against that class of pictures that I appear here this evening to raise my voice in protest. We are not opposed in any degree fundamentally to the motion picture as a means of entertainment at all, but favor them as a means of education and entertainment. I have found many motion pictures that were absolutely all right without change. I have found others that would have been all right with a very slight amendment, but I have also found some pictures that were altogether bad. I very fully believe, and I think this is a statement of our belief as an organization, that if this bill is enacted into law, the standards having been once fixed, within a short time there will be a very small number of films that will even require any change to be made in them. The moral effect will be such that it will not be necessary.

There is a potential value in motion pictures for good or evil. I have often wondered what they did with rags and waste paper. I never knew what they did with them until I saw it in the motion pictures.

I have seen the interior of a paper mill where they made paper, and it was educational and very instructive. I have seen the interior of steel plants. I have seen the weekly news, I have seen the large structural buildings in process of construction, and other educational

and useful things. Now, if they would confine themselves to things of that kind, or clean comedies or other plays, there would be no protest and no necessity for any censorship. I have seen the silkworm culture and the spinning of silk, which was also highly instructive. But they show another thing that we do object to, and that is crime. They show it in all its revolting detail. They show drunkenness and the details of it. It would not be so bad if they showed a man drunk, but they show it in detail and what he does after he gets into that condition and rather hold it up for imitation as something funny. They showed recently in my neighborhood a picture of a man breaking into a home by climbing up a porch, and a boy living near me shortly afterwards was almost killed trying to imitate the very same thing. There is a reason for that. The psychologists tell me that the optic nerve is twenty times as strong as the auditory nerve. Whatever impressions they receive by means of the optic nerve are twenty times stronger than those received by means of the auditory nerve. My own boy saw the picture of what was called the Two Gunmen, and shocked me one day by saying, "Daddy, I want to be a highwayman, a burglar." And why was that? Because they held those men up as heroes, and because, in the vernacular of the day, they got away with it and defeated the law and defied the officers and escaped or reformed after getting the money and marrying a good girl.

Mr. SEARS. You say you have some petitions that you want to file?

Mr. WORLEY. Yes, sir. I shall have a statement for the United Society of Christian Endeavor of the United States and some individual views that have come to us directly, and some will come to you through Members of Congress.

The CHAIRMAN. You will have seven days after the meeting to file papers.

Mr. SEARS. Are you appearing here personally?

Mr. WORLEY. No, sir; as the representative of the Christian Endeavor Union and United Society of Christian Endeavor of the United States.

Mr. SEARS. You are here for that reason only?

Mr. WORLEY. Yes, sir; but I have two other good reasons—one is a boy and the other a girl.

Mr. SEARS. I mean, you have no official authority?

Mr. WORLEY. Yes, sir; by resolution of our organization.

Mrs. CULBERTSON. We would like to hear from Dr. Garner, who represents the Evangelical Ministers' Alliance of Washington and vicinity, with a membership of 70.

**STATEMENT OF REV. A. C. GARNER, REPRESENTING THE EVANGELICAL ALLIANCE OF WASHINGTON AND VICINITY AND THE NATIONAL SOCIETY FOR THE ADVANCEMENT OF COLORED PEOPLE.**

Rev. A. C. GARNER. Mr. Chairman and gentlemen of the committee, I represent the Evangelical Alliance of Washington and vicinity, and also the National Society for the Advancement of Colored People, an organization with headquarters in New York. I am a member of the local executive committee here. Ordinarily

I certainly would not wish to say much on this subject, but it appears that since I represent this special committee in these two bodies that I ought to at least register their opinion on the matter of a Federal censorship of moving pictures.

We represent a peculiar people, and I am speaking for the people I particularly represent. We ought to have the very best moving pictures because we are most likely—I mean our children—to be injured by them if they should happen to be bad. I remember here in the city of Washington that there was a time when Jack Johnson and another gentleman had an affray out West somewhere and moving pictures were taken of that particular affair. There was a law passed around here that that thing should not be shown. Now, the reason for that, I presume, is that our friends who govern this great country felt that it would not be good for public morals in general and certainly it would not be very good for the amicable relations of the two races, to have that particular picture shown. I thought it was very, very good judgment on the part of the governing class of our country, and that was the first thing that suggested to me the value of such a censorship as we are now advocating.

Secondly, I feel that generally bodies ought to purify themselves. I think the lawyers have a standard among themselves, an ethical standard. So do preachers, business men, bankers, etc. But, then, when we come to the saloon we do not give them the same rights that we give to other folks and other organizations. When we come to other bodies we take a hand in doing something. Now, we believe in everybody doing business. I believe that the motion picture is now a necessity. While I do not go very often, I look upon my little children—preachers generally have large families, and I happen to be one in that class—and the little ones come home and I notice the effect upon them when they come home. Now, my little black boys play Indian all the time, and when I see them marching around with a gun I ask them where they got it from, and they tell me out of the moving-picture show. I often wish that they had a different sort of pictures, but as they are usually all right I do not say much about it. But I can see the look upon their faces if they happen to go to pictures that are bad. Now, I advocate, with my brethren who are sitting behind me, a general censorship that will take out the pictures that represent the special group that I represent to-night. If the white people need good pictures, the black people need them much more, because we are most likely to be surrounded with evil influences and more likely to be carried away by anything that is bad, because if a bad thing happens to come into the mind of a man whose environment is not good it is harder for him to resist temptation. A gentleman delivered an address at my church some time ago, and he said it was so much easier to fall into evil ways in the lower planes of life, because there are none to condemn. The condemnation of our fellow people is a great deterrent to evil. Now, there is a motion picture called *The Birth of a Nation*. In New York some time ago a friend of mine was present at that show. He was a colored man, and after the show was over he walked along behind a finely dressed white lady and her young son, apparently 20 years old. She said to her son, "How did you like the show?" He said, "Well, I feel just like I would like to kill every nigger that ever lived." That was the tre-

mendous effect that that picture had upon him. We do not believe that that play was good if it would send a high-class Anglo-Saxon away with a notion like that against our people, who have lived here for two or three hundred years and who came here upon a very pressing invitation; in fact, one so pressing, indeed, that it could not be ignored. [Laughter.]

Now, Mr. Chairman, we believe that censorship will do these moving pictures a great deal of good. We are pleading with you as humble people, who realize that we have no government except the government that is represented by yourselves.

Mr. SEARS. Where were you raised?

Dr. GARNER. In Knoxville, Tenn.

Mr. SEARS. Then you know your people?

Dr. GARNER. I think I know my people.

Mr. SEARS. Having been associated with them.

Dr. GARNER. Yes, sir.

Mrs. CULBERTSON. We have with us Rev. Dr. J. Milton Waldron, of the Baptist Church, who will speak five minutes.

# STATEMENT OF REV. DR. J. MILTON WALDRON, OF WASHINGTON, D. C.

Dr. WALDRON. I wish I might have 10 minutes, as I wish to speak for a large organization.

Mrs. CULBERTSON. I am sorry, Doctor, but our time is short.

Dr. WALDRON. I wish to say, Mr. Chairman and members of the committee, and ladies and gentlemen, that I claim to be a colored man, an Indian, and a white man, so that I am speaking for a very large constituency. I am speaking for three races, and when I studied geography there were only three in this country.

I want to say in the very beginning that I believe the moving-picture business is here to stay. I believe that it is capable of doing a great amount of good. But I also believe that, as it is now conducted, most of these moving-picture establishments are doing more harm than good. I do not speak as a theorist, because for the last six months I have taken pains to visit frequently the moving-picture shows in this city, those that are held for the people that we might call the masses and those that are held for the people that we might call the classes. I have gone into the high-class picture establishments and into the low-class picture establishments, and I have come away from every one of those exhibitions feeling that I wished that I had not gone. I went alone; I did not want to take my wife to them. I have gone away feeling that I was very glad I did not take my wife and that I had no children to carry there. I have been asked the question what could be done, and I am here representing the Baptist ministers union of the District of Columbia and vicinity, including 125 pastors of colored Baptist churches in Virginia, Maryland, and the District of Columbia. I am here by resolution and by appointment. They have asked me to represent them.

Now, I want to remind you of a fact that perhaps has escaped your attention, that America, compared with other countries, is a lawless nation. More murder was committed in New York in one year than was committed in the whole British Isles in a year, and

ten times more murders are committed in America than are committed in the British Isles in a year, when they are not in warfare. Of course, I am not talking about the murders they are doing by wholesale by warfare, but I mean when there is no warfare. One reason for that, I take it, is that in almost every one of these moving-picture scenes, except in the humorous—and sometimes in them—and in what they call the industrial, there is a spirit of lawlessness exhibited. Firearms are used indiscriminately and on all occasions, and then the man who finally destroys the villain in the play by killing him or putting him out of action is applauded by the audience and the people go away feeling it is right to kill a man if he has done anything worthy of death. I say it is right to kill a man if he has done anything worthy of death, but that the killing ought to be done by the law, by the legally constituted authorities and not by mobs or individuals. Now, if the play went further and showed that this man, even though he had killed the other man rightfully, was brought before the court and tried and exonerated because he had done a deed that was worthy, it might destroy some of the bad effects. I have noticed in the past two or three years that the boys and girls too are wearing in the warm weather Indian suits, cowboy suits, and soldier suits, and that almost every boy has a toy pistol. I have frequently had them come to me in Washington and other places and say, "Hold up your hands," and draw a pistol. Now, they act in their play just what they have seen in these moving-picture shows.

Now, I want to call your attention to the fact, for a minute or two, that not only are these moving pictures engendering lawlessness but they are engendering crime and immorality. I feel that the censorship ought to be exceedingly severe upon the plays that are visited by children. I think that the children ought not to be allowed to see 90 per cent—not 10 per cent—of the plays that grown people see, even after you have censored them. My feeling is, after I come into contact with the children day after day in large numbers, that the children to-day are not going to be as moral as the men and women of to-day are—and that is not saying very much.

The last thing I desire to say is this: In order to show the hero and heroine to the best advantage, you are very often taken into scenes of crime, saloons, brothels, and gambling dens, and you see things enacted that are only enacted in the dark and out-of-the-way places that not one person in a hundred would see, but great crowds of men, women, and children go into those places and it all helps to make grown people as well as children immoral.

Now, you might ask, Why do we want censorship? Because this business covers the whole country, and because it is undermining the spirit of obedience to law on the part of all the people, and I pray you, gentlemen, that you will do the very best toward giving the very best possible board of censors. If a dozen people can not censor the moving pictures, then give us a board of 100 people, but, do something, for God's sake, that will help the grown people as well as the children.

Mrs. CULBERTSON. Our time is very nearly up, Mr. Chairman. I will now call upon Dr. McMurray, representing the Methodist ministers. Will you speak just where you stand, Doctor?

**STATEMENT OF REV. DR. JOHN McMURRAY, OF WASHINGTON,  
D. C.**

Dr. McMURRAY. I am here to protest on behalf of our Methodist Ministers' Association of Washington against the motion pictures: I am very much interested in prohibition throughout this country, and I think we are going to have it, and I am thinking also that after we have prohibition we will have to have some place for our men to go to, and sometimes our women, too, who frequent the saloons at the present time, and that place will be the motion-picture show. I do not want the motion pictures to present a worse place than the saloon presents at the present time, and I am here to protest against the motion picture in its present character, and besides of the lesson which it teaches.

Mrs. CULBERTSON. Our next speaker will be Mr. Charles M. Thomas, representing the minor normal schools of this city.

**STATEMENT OF PROF. CHARLES M. THOMAS, REPRESENTING THE  
MINOR NORMAL SCHOOLS OF WASHINGTON, D. C.**

Prof. CHARLES M. THOMAS. I want to say, with due regard to the motion-picture business, that it is our greatest educational factor in this country, and I want to register a protest against what was said here this afternoon as to the fact that a newspaper could be as dangerous as a moving picture to children, because that is not so. Especially is that not so in connection with the children. In my experience, the impression made by reading a book does not leave as strong an impression on the mind of the child as seeing a picture. On the contrary, the vividness of the moving picture impresses the child with a sense of reality. I visited a moving-picture show last Sunday, and it was so foul as to call for an unrestrained utterance on behalf of the audience. I believe that the moving picture is the most important factor in our educational system.

Mrs. CULBERTSON. Mr. Chairman, we are glad to rest our case just where it is.

Mr. BINDER. Thank you.

The CHAIRMAN. Mr. Binder, you may proceed.

**ADDITIONAL STATEMENT OF MR. J. W. BINDER.**

Mr. BINDER. Mr. Chairman, in accordance with the permission that was extended to me, I want to hand to the clerk for the purpose of being filed and read into the record these protests that were made against this legislation by the gentlemen who were here last night and were unable to be heard.

The CHAIRMAN. You can put them in.

Mr. BINDER. I did not interrupt the ladies as they were speaking and I want to make a perfectly frank and serious request, one which I wanted to make to each individual speaker. As the executive secretary of the motion-picture board of trade, one of my tasks is to scan the daily newspapers and the clippings that come to me, and whenever there is an item carrying the headline, "The movies incite to crime"—and that used to be more frequent than it is to-day—I make it my business to get the facts and get duly authenticated affidavits. I have run down in the last two months 81 cases and I

have found but one authenticated case in which I could get legal evidence, sworn to, naming the play and the theater in which the alleged incentive to crime was seen.

Now, if the ladies who have mentioned cases here to-night wish to confer a favor upon me, they will give me an affidavit naming the lady, naming the child which was so influenced, and the picture which influenced it, if they know, or give me as much data as they can, because I am just as sincere as they are in trying to find out the truth and prove that the moving picture does not incite to crime. I know, as an old newspaper man, how prone we are to write a headline at the expense and in defiance of the truth, and that line, "Movies incite to crime," is a good headline for a newspaper article.

If any ladies present have any authenticated data, not rumor, and will let me have it, I will appreciate it.

Now, I want to read for your benefit a communication which came to me this afternoon from a lady who is an officer of the Federation of Woman's Clubs of America, which will speak for itself. She is Mrs. Mary Gray Peck, of Geneva, N. Y., a name that will be familiar to club women:

GENEVA, N. Y., *January 13, 1916.*

MR. J. W. BINDER,

*Secretary National Board of Trade Motion Pictures, New York City.*

DEAR SIR: It is with the greatest reluctance that I notify you of my inability, by reason of illness, to be present at the hearing of the House Committee on Education on the Federal censorship bill. I am absolutely opposed to Federal censorship of any art. As assistant professor of English in the University of Minnesota, I taught modern drama for many years, and incidentally I showed that Government control had been an unmixed evil to the drama every time and everywhere it has been tried. The censored stage of Europe to-day is no exemplar of morals, while the authors and artists who are politically hampered in the free exercise of their genius are universally rebellious.

As former chairman for four years of the committee on drama, General Federation of Woman's Clubs, and as member of the education committee, Drama League of America, I have for several years been specially interested in motion drama and well acquainted with the sentiment of women's clubs in all parts of the country as regards moving pictures. I know that there is no demand on the part of the women of the country at large for Federal censorship. I know, further, that there will be a wave of widespread indignation if this proposed bill is pushed through without any popular and organized demand for it.

I am not holding any brief for the motion-picture drama. It is in its infancy, and there is plenty of room for growth and development and improvement. But in common with all intelligent observers of the way things naturally grow, and according to the spirit of American institutions, I can not see Federal censorship in any other light than as a dangerous and blind meddler.

The manufacturers have not shown themselves recalcitrant to democratic and constructive censorship. They are interested financially and artistically to develop a new art on the highest plane, and they are, on the whole, going in the right direction. Their mistakes come rather from underrating public taste and capacity than from disregarding. It would be the greatest misfortune to abolish a popular and disinterested board like the national board of censorship as now in operation—one with years of experience, entrenched in public esteem, with country-wide cooperation through its subcommittees operating with the good will and attention of the manufacturers—and to substitute for it a political group of nobody knows who, without special training, experience, prestige, or popular sympathy, operating in the face of the universal hostility of manufacturers and theater proprietors. I do not for a moment believe that any committee of Congress will recommend any such proposal favorably, and I most respectfully urge the worst that can happen to it to be visited upon it promptly in committee.

Very truly, yours,

MARY GRAY PECK.

It was my purpose to speak briefly to-night on behalf of a phase of the motion-picture industry as the representative of one of the largest companies in the business, Pathé Frères, and that phase is the news picture, which has grown from nothing to a very considerable extent to-day, in fact it has grown so large that there are now six different news pictures in this country to-day, and they are growing very rapidly. Formerly we had twice-a-month pictures, and before that it was once a month, and now it is once a week, and by and by it will be as it is in Paris to-day, one every day. These pictures are taken immediately after the particular occurrence, in some cases in 24 hours after it has occurred the actual occurrence will be thrown upon the screen before the public. This phase of the industry which is so universally condemned by our friend here who appears for this bill, would be absolutely killed if you enact the measure which you have in contemplation to-day. Let us suppose a catastrophe occurs in Washington to-night or to-morrow. It is photographed here, the film is taken from the camera and put in a case and transported to New York State, and there placed in a state of rest, thereby fulfilling your requirements, developed there and sent on over the country. When you take the film out of the camera in Washington, ship it to New York, you would be violating the law which you seek to pass. Not only that, but the time lost in submitting this news picture to a board of censors would be absolutely lost, because after the picture had been taken here and rushed to New York and a print made, it would have to be rushed back here from New York to be approved by the commission before it could be sent out through the country.

The CHAIRMAN. Are the news reels submitted to the board in New York to-day?

Mr. BINDER. Yes; but there is no delay, because the board is right there. That is a phase of the industry that is rapidly growing.

Mr. SEARS. If I understand you correctly, you say you were formerly an editor or connected with a newspaper?

Mr. BINDER. Yes.

Mr. SEARS. And from that experience you know that the newspapers are careless of the truth?

Mr. BINDER. I say they are prone to write a good headline at the expense of the truth.

Mr. SEARS. That is a custom of newspapers, you say?

Mr. BINDER. Yes, sir.

Mr. SEARS. I have not found it that way. I used to be in the newspaper business.

Mr. TOWNER. Mr. Binder, before you leave that newspaper proposition—

Mr. BINDER (interposing). Of course, it is the right of the committee to ask all the questions they desire, but we did not interrupt the other speakers.

Mr. TOWNER. Well, I am not interrupting you, am I?

Mr. BINDER. Well, we have not so much time.

Mr. TOWNER. Would you prefer that I should not ask the question?

Mr. BINDER. Oh, no. Ask the question.

The CHAIRMAN. That is the prerogative of the committee.

Mr. BINDER. I understand.

Mr. TOWNER. I wanted to ask you whether or not the words "news film" had a well-accepted and well-understood meaning among the manufacturers?

Mr. BINDER. Oh, yes; it used to be called the news weekly, and now they call it the news picture.

Mr. TOWNER. So that if it should be considered best by the committee to exclude those or to make an exception in that regard it could be easily done?

Mr. BINDER. The words "news picture" would be easily understood as applied to all of that class of films. The next speaker is Mr. Fred J. Herrington, president of the Motion Picture Exhibitors' League of America.

**STATEMENT OF MR. FRED J. HERRINGTON, PRESIDENT OF THE MOTION PICTURE EXHIBITORS' LEAGUE OF AMERICA, APOLLO BUILDING, PITTSBURGH, PA.**

Mr. HERRINGTON. Mr. Chairman and gentlemen of the committee, and ladies and gentlemen, I want to say that I have heard during the past three evenings a great many remarks about this protest, this clamor or this demand of the American people for legalized censorship. I believe that I have met some of the American people. I have traveled from the Atlantic to the Pacific. I have spoken to audiences of thousands from the Atlantic to the Pacific. I have asked for a vote as to where the people stood on the question of legalized censorship, and very seldom would a hand be raised in favor of it, and in no case could I get them to give their names or addresses.

Mr. McCracken. Could you name one of those places where you made such a request?

Mr. HERRINGTON. Yes; at San Francisco at the civic division.

Mr. McCracken. What other place?

Mr. HERRINGTON. In New Kensington, Pa.

Mr. McCracken. Any other place?

Mr. HERRINGTON. The city of Pittsburgh, my own home.

Mr. McCracken. Just state about how many places for the information of the committee.

Mr. HERRINGTON. Well, I could hardly say. There have been so many of them, but I know it was in the cities of Baltimore, Washington, Philadelphia, Cleveland, and others. I want to say that I stand unutterably opposed to all forms of censorship. I believe in the enforcement of the most drastic laws against those who degrade, or attempt to degrade, the morals of the children of this or any other nation. Not only do I demand the most drastic law and the enforcement of the same, but I will pledge, as national president of the motion-picture exhibitors, our aid and assistance in the enforcement of those laws, because we want clean motion pictures. The manufacturers want to make clean motion pictures. But I want to say, as one of those who lives in a State where they have at the present time legalized censorship, that I have seen no improvement on pictures in the State of Pennsylvania over the pictures shown in the District of Columbia or the various other places where I have visited motion-picture theaters. I can say that in the State of Illinois, at the last session of their legislature, there was a censorship bill placed

before that body for State censorship, and the strongest people against the bill, or those opposing the advocates of State censorship, were those men who were the loudest for legalized censorship in the place where they were the censors. No stronger opponent appeared before the legislature than Maj. Funkenhauser in his protest against State censorship. Over in the State of Pennsylvania where we have it and know what it is and its results, you can not say that at any time or at any place have the people of Pennsylvania improved upon the cleanliness of the motion picture over what it was when it left the studios in the various other cities and States.

Even though we have legalized the censorship in Pennsylvania, after the picture has been approved by the State board of Pennsylvania, the mayor of the city, the police officials of any city within that State have the right to deny its exhibition, even though the legalized censorship has approved the same.

Mr. NORTH. Has that ever occurred to your personal knowledge?

Mr. HERRINGTON. Yes, sir.

Mr. NORTH. Can you name the place?

Mr. HERRINGTON. The Rev. Edward M. Sheldon, whose works have been read, I suppose, by everyone, and a great authority on the problem of the race question, wrote a work called *The Nigger*, which was put into the motion-picture photography, and the name was changed in Pennsylvania at the solicitation and request of the State board to *The New Governor*. It was then approved; and Mayor Joseph Armstrong, of the city of Pittsburgh, the second city of the State of Pennsylvania, denied that picture the right to be thrown on the screen for a period of over seven or eight months.

Then, again, the picture that is being protested against—the *Birth of a Nation*—approved by the State censorship board of Pennsylvania, prohibited by the mayor of Pittsburgh, was approved by the courts of Allegheny County, and, against his protest, was shown to the people. Now, I want to say that in looking at the picture, the *Birth of a Nation*, in appearing before the court, where they asked me if I did not think the picture would have tendency to appeal to race prejudice, I said to Judge Reed, “No, your honor,” and he said, “In what way; upon what do you base your argument that it would not?” I said, “Upon the intelligence of the American people viewing that picture.” I have been asked to go into the State of Oklahoma some time in February as the representative of the national organization I am representing here. I am here to-day to protest against the passage of the censorship bill at the request of my national executive committee—L. W. Brophy, at Muskogee, Okla.; George A. P. Tudwell, of San Francisco; Mark E. Corey, of San Francisco, Cal.; Marion S. Pierce, of Baltimore, Md.; and Peter J. Jupe, of Detroit, Mich. Those men have asked me to come here. We could fill the congressional records with protests from the State of Ohio already, if necessary. There is now on record in Ohio over 100,000 names protesting against legalized censorship in Ohio.

Now, gentlemen, I ask you to cast aside censorship because it is un-American, because it denies us the right and privilege that is conceded to the newspapers to carry to the people the views that are good. The picture, like the press, is only that which expounds

the thought of man to society. I want its liberty. Don't kill it. Don't suppress it until the people demand it. I ask you in the name of liberty to protect the motion picture and pledge you our support against film that would corrupt the morals of our children and our people.

Mr. TOWNER. What do you think is wrong in Pennsylvania? You say their censorship is inefficient.

Mr. HERRINGTON. Well, that would be hard for me to answer, as to what I think is wrong, but it proves the inability or the unsatisfactory ability of a few men to decide for the 8,000,000 as to what they shall or shall not do.

Mr. TOWNER. They are incompetent, in your judgment?

Mr. HERRINGTON. Well, no more than any other three or four men would be.

Mr. TOWNER. In other words, you think it would be impossible to secure a board of censors that would deal fairly with it?

Mr. HERRINGTON. It would be positively so.

Mr. SEARS. Are these pictures shown to the public after this board has denied them the right to be exhibited?

Mr. HERRINGTON. Well, if the decision of the court upholds the board it is not shown, but if the decision of the court repeals the decision of the board, it is shown.

Mr. SEARS. How many appeals and how many reverses have they had?

Mr. HERRINGTON. I think there has been only one decision—I am not positive, though—sustaining the action of the State board of censors in the State, and there have been about six reversing the decision of the State board of censors.

Mr. SEARS. And how many films have they denied the right to be exhibited?

Mr. HERRINGTON. In the State of Pennsylvania?

Mr. SEARS. Yes, sir.

Mr. HERRINGTON. That would be hard to say.

Mr. SEARS. Well, approximately. You do not know how many there have been that they would not permit to be shown?

Mr. HERRINGTON. Well, I could not say all of them, because as an exhibitor, as an organization, we are not furnished with all that information.

Mr. SEARS. I thought possibly you had some idea, from living in Pennsylvania.

Mr. HERRINGTON. There are many things in the State of Pennsylvania that are under the control of those who have the power to keep them away from the people.

Mr. SEARS. But how do the people of Pennsylvania know, unless it has been brought to their attention, that this board is not competent?

Mr. HERRINGTON. The newspapers of the city publish the decisions of the board.

Mr. SEARS. Sometimes they can not be relied upon.

Mr. BINDER. Now, you are going back on your agreement. [Laughter.]

Mr. BARBER. Purely on the point of information——

The CHAIRMAN. Does the gentleman yield?

Mr. HERRINGTON. No.

The CHAIRMAN. The gentleman declines to yield.

Mr. HERRINGTON. I am through.

Mr. BINDER. The next speaker will be Mr. Bainbridge Colby, of New Jersey. He has the honor of representing the great chain of Hearst newspapers that stretch from the Atlantic to the Pacific and from Maine to the Gulf.

**STATEMENT OF MR. BAINBRIDGE COLBY, REPRESENTING THE  
HEARST NEWSPAPERS, OF NEW YORK CITY.**

Mr. COLBY. Mr. Chairman and gentlemen of the committee, just let me say first that I am not the Colby of New Jersey. That is Colby, major. I am Colby, minor, of New York. That is one of the very great harassments through life, being related to a great reformer, Everett Colby, of New Jersey. I am down here at the request of my client, the Hearst newspapers—the Boston American, the New York Evening Journal, the Atlanta Journal, the Chicago American, the Los Angeles Examiner, and the San Francisco Examiner—to add my voice to the protest against this proposed measure and to direct my protest against what I believe to be the fallacious, uncritical, and irrational element that underlies the bill. It is utterly alien to America and to the idea of civil liberty, that is the central idea of our institutions. It is all right in some highly centralized, bureaucratic country, like Prussia, where everything is run by censorship. When Maximilian Harden, the most outspoken and brilliant editor of Germany, raised his voice merely to ask, "What is the purpose of this warfare that is killing learning," the censorship of Prussia reached out and said, "Stop; no more; not another word until this pressure is relaxed." Censorship has burned the Bible. It has been the ally of the common hangman. Censorship in France prohibited the publication of Sir Isaac Newton's wonderful book, *Principio*, in which was embodied his great discovery of terrestrial magnetism. France, speaking through the president of the Sorbonne University, prohibited the publication of this epoch-making discovery for nearly a generation.

There are two essential principles upon which not only governments are constructed but upon which our ideas of government are formed. One is liberty and the other is authority. The majesty of the State is supreme within its own borders. In all matters affecting the welfare of its inhabitants the State has absolute and sovereign control. Does anyone suppose that the populous neighborhoods, the villages and cities, require congressional legislation in order to keep clean and upright the morals of the citizens? Why, that is one of the most deeply implanted ideals of our people. The first thing that some people do in a frontier mining camp is to run out of town the horse thieves. The next thing they do, after a few shacks have gone up, is to have a vigilance committee. The next thing is to abolish gambling, segregate vice, and pretty soon they are able to take their place among the other towns of the country without the aid of any congressional moralists.

I had the great pleasure of hearing a speech last night by Mr. Justice Hughes, of the Supreme Court of the United States. He discussed before an audience of some 1,500 lawyers at a meeting of

the State Bar Association at the Astor Hotel the function of the Central Government and the functions of the States. He deplored the lack of instinct, the lack of recognition of the true limitations of national law making and neighborhood law making, and the papers have hailed his utterances as an exceedingly worthy utterance. The New York World this morning quotes this argument:

An overcentralized government would break down of its own weight. It is almost impossible even now for Congress in well-nigh continuous session to keep up with its duties, and we can readily imagine what the future may have in store in legislative concerns.

If there were centered in Washington a single source of authority from which proceeded all the governmental forces of the country—created and subject to change at its will—upon whose permission all legislative and administrative action depended throughout the length and breadth of the land, I think we should swiftly demand and set up a different system. If we did not have States, we should speedily have to create them.

I was struck by another paragraph in the New York Tribune, speaking of the fourteenth amendment:

The amendment was the affirmation of individual rights deemed to be fundamental. It was incorporated in the Constitution with full knowledge of the judicial duty to apply the supreme law in the decision of controversies.

What was thus sought was not a privilege to deny the legislative authority to enact reasonable measures for the protection of the safety, health, morals, and welfare of the people, not to make improvement or rational experimentation impossible, but to preserve and enforce the primary and fundamental conceptions of justice which demand proper notice and opportunity to be heard before a competent tribunal in advance of condemnation, immunity from the confiscation of property, and, with respect to every department of government, freedom from the exercise of purely arbitrary power.

Now, I also warn you on the score of humor and fitness. The American people are surcharged with humor. The idea of passing upon every matter with reference to its effect upon public morals is one which no man with the saving grace of Bill Nye, Mark Twain, or Richmond Ward could consider seriously. Just think of it. You will be called upon to pass upon things that you never heard of. This board will be called upon to pass upon things that no man would allow himself to come into proximity with. It is hasty. It is provincial. It is outgrown. It is obsolete. It is alien to our whole theory of life in the organization of public regulation and control. It will be a thing of scoffs and jeers before it is a year old. You can not afford to recommend it, and I commend to you the wise words of this peculiarly sane and competent jurist which I read, and the wisdom of which every lawyer will feel is the just and rational boundary of your true legislative function.

Mr. BINDER. The next speaker will be Mr. J. Stuart Blackton, president of the Vitagraph Co. and vice president of the Motion Picture Board of Trade.

#### **STATEMENT OF MR. J. STUART BLACKTON, PRESIDENT OF THE VITAGRAPH CO. AND VICE PRESIDENT OF THE MOTION PICTURE BOARD OF TRADE.**

Mr. BLACKTON. Mr. Chairman and gentlemen, I am here in a fourfold capacity, the two that Mr. Binder has just mentioned, and also I am president of the first motion-picture magazine that was ever published, and I represent the V. L. S. E. and the General Film

Co., which are the distributing companies for the manufacturers of films.

I want to say at the outset that I am with all these dear ladies in their desire for good films, but I am also here to protest against having my business and myself coupled with ideas of brothels, gambling dens, and all the immoral and destructive things that some of the good folks here to-night have heaped on our defenseless heads. I am here to protest against any form of censorship that is oppressive or legalized, because there is no necessity for it. I am going to show you as well as I can that there is no necessity whatever for it.

First, I would like to call your attention to the fact that most of the accusations that are made against the iniquitous motion pictures are nothing more than vague statements. It seems to me that if I was coming here to combat some iniquitous thing I would gather evidence carefully backed up by affidavits. I would like to have the names of the pictures, the names of the manufacturers, and the names of the theaters. If these dear ladies would bring to us the names of such manufacturing companies and such other evidence as was necessary, we would not only agree with them but we would cooperate with them in having those exhibitors punished to the full extent of the law which now exists to punish such people. They do not do that. They come here and vapor about immoral things which they have seen, and I come here and stand here and deny it all. I maintain that there are no bad pictures shown to the general public. I maintain and I can prove to you that in the last five years there have been only two pictures that can really be called bad. One of those pictures was mentioned last night, and you were told that the man who sold it was indicted on a criminal charge and punished for it. The other bad picture was one that was taken up by our motion-picture board of trade a few weeks ago. We learned of it from a very objectionable advertisement in the paper, and we watched for its exhibition. It was not presented to the national board of censorship, but it was shown boldly in the theaters, with the idea of trying to put the thing over on the public and decent manufacturers. Through the efforts of the motion-picture board of trade the thing was stopped, and the people connected with the exhibition of that picture were prosecuted, and I believe they are to-day indicted.

Mr. SEARS. What is the name of that picture?

Mr. BLACKTON. Virtue. It is a very bad misnomer.

Mr. SEARS. Most of them are misnomers.

Mr. BLACKTON. No, sir; they are not.

Mr. SEARS. Who made that picture?

Mr. BLACKTON. It was made by the Franklin Film Manufacturing Co., of Philadelphia, Pa.

Mr. SEARS. Are they members of the National Film Co.?

Mr. BLACKTON. No, sir; they are merely a wildcat company that has no habitat, and they are the people who bring down the cry of immorality on our heads.

The CHAIRMAN. There ought to be some check over them.

Mr. BLACKTON. There is a check, Mr. Chairman, and it is this: That those two pictures were both covered and taken care of by the existing laws, by the license bureau which has the right to cancel and take away licenses from any exhibitor who exhibits a picture which can

be shown by real evidence to be improper, and also by the police department who can prosecute any manufacturer who presents or exhibits any immoral or salacious pictures.

Mr. SEARS. How long was that picture shown before it was stopped?

Mr. BINDER. One day.

Mr. BLACKTON. No; not one day, but one performance. There was just one performance and it was stopped.

Mr. SEARS. It was not shown before that?

Mr. BLACKTON. No, sir. But there is another tale to that. That picture was taken to Philadelphia and the legalized censorship board of Pennsylvania, operating under the laws of the State of Pennsylvania, allowed that picture to be shown.

Mr. SEARS. Then it was shown afterwards in Pennsylvania?

Mr. BLACKTON. Yes, sir; in Pennsylvania. It is being shown now in Pennsylvania. I know of no other point to show the fallacy of legalized censorship than that.

Mr. SEARS. Suppose a picture reaches that State and goes into a city that has no censorship? Can it still be shown?

Mr. BLACKTON. Not unless the mayor——

Mr. SEARS (interposing). But I understand that this picture has been prohibited from being exhibited?

Mr. BLACKTON. Not if the police department is on the job, it can not be exhibited. It may be exhibited elsewhere. Any rural constable has the right to go and arrest a theater manager under the law who exhibits that picture in any part of the State.

Mr. SEARS. How many arrests have been made by those people——practically none?

Mr. BLACKTON. I do not know. I do not think there has been the necessity for any arrests, for I maintain again that the pictures shown to-day are, by general standards of measurement, all clean pictures and not objectionable pictures.

Mr. McCRACKEN. What is your opinion of this picture, Virtue?

Mr. BLACKTON. I did not see it. I have not formed any opinion regarding it.

Mr. SEARS. You still say that this picture is being shown, and these constables are not making any arrests?

Mr. BLACKTON. Because it is sanctioned by the State board.

Mr. SEARS. But that would not stop a constable from doing his duty. The point I am making is that no board can take away from another the right to enforce the law.

Mr. BINDER. The constable relies upon the State censorship. The police powers are delegated for a short time to the State board.

Mr. SEARS. Well, that point is well taken.

Mr. NORTH. From your statement I would understand you to infer that the standard of morals in the State of Pennsylvania is on a lower plane than in any other section of the United States?

Mr. BLACKTON. No, sir; I do not maintain that, at all. I maintain that any small body of four men is inadequate and not fit to judge as to what pictures the people of this country shall or shall not see.

Mr. SEARS. But they did judge in this case in New York?

Mr. BLACKTON. Oh, no. It was the mayor's office that stopped this play, at the behest of the Motion Picture Board of Trade. The Motion Picture Board of Trade is a new organization which has been formed

in the last four months, which is taking in and will soon embody every manufacturer of moving pictures and everyone connected with the trade in any capacity. One of the chief aims and one of the by-laws and regulations of our organization is to keep and make clean the picture shows throughout this country.

Mr. SEARS. Will you get this man in who made Virtue, or, rather, that unmade virtue?

Mr. BLACKTON. He is not in. He could not get in, and if he did get in he would be expelled for making, producing, and, particularly, for advertising this picture.

Mr. SEARS. You said you would have all of them?

Mr. BLACKTON. I said we were getting them all in; but, if that company had been in our board of trade it would have been expelled.

Mr. SEARS. That would be a good plan, but there would be still some out of your organization?

Mr. BLACKTON. Yes, sir.

Mr. DOUGHTON. If a board could not pass safely and successfully on these pictures, then how could a court? You say it can be passed upon by the courts in the local communities. If you take the position that the board could not do it safely and intelligently, then how could a court do it safely and intelligently?

Mr. BLACKTON. I do not understand your question.

Mr. DOUGHTON. You take the position that a board could not be trusted to safely and intelligently handle the matter.

Mr. BLACKTON. Not for the entire country.

Mr. DOUGHTON. Then you take the position that the courts can handle it?

Mr. BLACKTON. No; the court is local. The court will not handle the matter for the entire country. The court will know the feeling and sentiment of the particular town and village in which the case arises.

Mr. DOUGHTON. That is your idea?

Mr. BLACKTON. That there is no court which shall say what this great country of the United States shall have or shall not have in the way of instruction and amusement.

Mr. DOUGHTON. Your opinion is that each community should have a separate decision, and if a show is to be shown all over the entire country there would be numerous boards?

Mr. BLACKTON. No; I do not think that way at all.

Mr. DOUGHTON. Well, how?

Mr. BLACKTON. I do not think there is any need for any local, State, or Federal censorship, because I know and I believe that the pictures that are shown now to the public, to 50,000,000 do not require censoring, and if you will permit me, when I come to that I will explain why I think so.

Mr. TOWNER. The reason why you believe that these pictures do not need censoring is because the picture films exercise such care in the making and selection of them, is it not?

Mr. BLACKTON. The picture films or the picture firms?

Mr. TOWNER. The picture firms.

Mr. BLACKTON. Yes, sir.

Mr. TOWNER. I presume that the picture firm itself must exercise its judgment in determining whether or not the film is fit to be seen or sent out.

Mr. BLACKTON. Yes, sir.

Mr. TOWNER. Then you believe that the judgment of the picture firm is vastly superior to the judgment of any possible commission that might afterwards pass upon it?

Mr. BLACKTON. No, sir; because if the motion picture puts out a thing and thinks that it is all right the public will very soon tell the picture concern whether it is right or not.

Mr. TOWNER. Is it not rather a strong assertion of virtue on the part of the picture firms that they themselves will be better able to determine in their own interests what is proper and what is not proper, but that a commission acting for the interests of a hundred million people, directed to do and sworn to do so, could not do so well as these men could in their own interest?

Mr. BLACKTON. I never even intimated any such thing, Mr. Towner.

Mr. TOWNER. But is not that where it logically comes?

Mr. BLACKTON. No, sir.

Mr. TOWNER. You say that there is no necessity for censorship because these films are all right, that they are so carefully passed upon by the picture firms, they are so carefully censored by the men who make them themselves, that there is no necessity for any other censorship, and yet you say that nobody on earth has any power or should be given any power to censor them afterwards.

Mr. BLACKTON. I said that no small body had any right to censor pictures for the whole country.

Mr. TOWNER. How large is your body of censors in a particular moving-picture firm that passes on the films before they are sent out?

Mr. BLACKTON. You mean our own individual censors?

Mr. TOWNER. Yes, sir; selecting the pictures.

Mr. BLACKTON. Well, in my firm, if I may speak for them, and that is the only one I should rightfully speak for to-night, the Vitagraph Co. of America, which was formed in 1896 and incorporated in 1900, we are now probably the largest producing company in America, probably in the world, we have produced over 5,000 pictures since my company was in existence. I say to you, and I maintain, and there are many in this room who know that I am speaking in the truth, men of the press and exhibitors who have been using our products for 20 years, that my company has not made a picture which was not entirely and completely fit to be seen by any man, woman, or child in the country.

Mr. TOWNER. Who determined that judgment?

Mr. BLACKTON. The people, the public, the exhibitors who use our product and the people who go to see it.

Mr. TOWNER. How do you determine their judgment about that?

Mr. BLACKTON. From the fact that we have never had a complaint, and the exhibitors never make any complaint. That we know. I do not know whether you have any children, but I have. I have four children.

Mr. TOWNER. That is not the question that I asked you. I was trying to get at the board of censors that you have in your establishment. What is the number of them?

Mr. BLACKTON. We have no board of censors.

Mr. TOWNER. Did you not tell me that you had?

Mr. BLACKTON. No, sir. I beg your pardon, I made no assertion as to censorship. I am opposed even to the use of the word censorship.

Mr. TOWNER. Now, let us see what we mean by censorship. I will just ask you this question in order to make it clear what I mean in this. Somewhere in your firm, before you send out a film, there must be somebody in the firm to determine its character. That person is the censor of that film. That is the sense in which I meant it, and I asked you to tell me in your firm how many constituted this board to determine the character of the film that you are going to send out?

Mr. BLACKTON. Well, if you will not use the word censor, which I greatly object to, I will say that there are perhaps a dozen, not more, but not less. The first one is the reader who reads the manuscript that is submitted. The next is the one who purchases it, and he is usually the head of the firm. Then comes the director who makes the picture, and after it passes through his hands there is one who sees it after it is finished. Then it comes back to the head of the firm, and he looks at it to see whether it is allright and proper to go out.

Now, I was about to tell you that I had four children of my own, and my mental attitude in regard to making the pictures of the Vitagraph Co. has been always, since the very inception of our business, that I would not make a picture, or permit a picture to be made, that I thought would be in any way injurious for any one of my children to see. I do not mean by that that out of the five thousand and odd pictures that we have made during the last 18 or 20 years that every one of those pictures was a child's picture, because that would be ridiculous, because all the books that Doubleday, Page & Co. and Harper Bros. publish are not children's books. There are children's books and books for grown-ups. We have a series known as the "Sunny Jim" pictures, known all over the world almost, and those are children's pictures. But we also have Thackeray, Shakespeare, Dickens, Balzac, Victor Hugo, and other great writers. Nobody has any greater love or respect for children than I have. I have a son 2 inches taller than I and a little son 2 years old, and two daughters just in between them. I maintain that when they are of a tender age they do not understand things that mature people go and look at and call immoral. To the mind of the child it is uninteresting; it means nothing. Take for instance Nathaniel Hawthorne's *Scarlet Letter*, for example; what would that mean to a child 8, 9, 10, or 12 years of age? Absolutely nothing. It would probably be a dull, uninteresting picture. One of these dear ladies said this evening that her little girl came home disgusted with the pictures because she did not like them. Of course they do not. They are not interesting. But when the child comes to the age of understanding and knows what the *Scarlet Letter* which was pinned on the breast of Hester Prynne, then the child is able to understand the book, which is an American classic.

If the child has a right to read the book, then she has a right to see the picture. The book and the picture may be equally licentious, but they are also equally harmless to children of tender years. I talked to an exhibitor this morning and he corroborated what over a hundred exhibitors think and have told me in the past month, because I have traveled from city to city to find out what the exhibitors thought of this question of the so-called feature films in connection with the children's picture, and they all say that when they run a five-reel

picture, which means a problem play or a big story, the children do not come in any more. One man said, "The three front rows of seats that I used to reserve for the children are now empty. They do not come now, because they go across the street where they have a one-reel Charley Chaplin."

These dear ladies say that these little children do not like these pictures. I think it is a little bit up to the parents in that matter. I would not let my children go to anything that I did not know would be right. They might just as well run into a saloon as into a moving-picture house. I think if a parent had any concern for his or her children they ought at least to find out where the children are going. There is a law which says that miners can not go into a motion-picture house—children under 16 can not go except with a guardian. Do you suppose that if I took my little 10 or 12 year old child into a moving-picture house and saw a picture that was not fit to see that I would stay in there with the child? No; I would go out. I would not let them go in there if there was something that was not quite right for them to see. We could not make laws entirely for the children. You do not make laws that way.

Dr. Crafts told you the other night how he had talked all over the country—from Maine to California and from the Pacific to the Atlantic—and how they had all gone on record for Federal legalized censorship. Now, if he had talked to the saloon-keepers' union they would have been unanimous on one point.

Now, we are not making pictures only for this country. We sell our goods in Russia, China, and Japan, all over Europe and America, and we make them as clean as we can and keep the moral tone of them at a point where it is not injurious for a child to see them, although it may be uninteresting.

Gentlemen, the motion picture is the greatest educational thing that has been invented since the invention of the Hoe press. The motion picture has done more good, has preached more sermons, and has been of more value to humanity than all the Sunday schools that have been in vogue since the beginning of this country, and the reason for that is in the great mass of people that the pictures have reached, have educated, and have uplifted. If you throttle that industry you are striking at the very root of the freedom of one of the greatest industries of this country.

Now, I am sorry that our friend, Dr. Crafts, is not here to-night.

Mrs. CRAFTS. He is out preaching.

Mr. BLACKTON. I am very sorry, because I enjoyed his talk very much last night. He impressed me very much, as I am sure he must have impressed the gentlemen of the committee—in two ways: First, in his wonderful ability to wriggle out of the questions of the committee, and that is one reason why I hope we will be given a little more time, so that if these gentlemen want to ask any questions they can be answered. The other way in which he impressed me was his wild-west story. He said he saw Hamlet and did not turn a hair, but he said he saw a wild-west show and he wanted to go out and kill a couple of people.

Now, it is not the pictures that should be censored; we need a pre-publicity censorship, not for motion pictures, but to be applied to such men as Dr. Crafts. [Laughter.]

Gentlemen, this bill can work the greatest harm and the greatest injury, and put upon the shoulders of the men in this industry the greatest burden that has ever been placed upon them since the inception of this business. I do not believe you gentlemen of this committee know what a burden the fulfillment of the enactment of this bill would place upon us. It would take me too long to tell it, and I am going to ask the chairman if I might submit in a brief a statement of the way in which this would work such an irreparable injury to this industry. I do not believe that these ladies know that this will put out of business some of our firms.

The CHAIRMAN. You can present your briefs. You will have seven days after the hearings close in which to file your brief.

Mr. BLACKTON. Thank you, Mr. Chairman. My friend, Dudley Field Malone, said the other night at a dinner that Columbus crossed the ocean in 1492 and Henry Ford doubled-crossed it in 1915. I ask you gentlemen of this committee not to double-cross one of the most powerful and greatest and most useful industries, the greatest organization of allied arts that this country or any other country in the world has ever known. I ask of you, if you have the least respect for democratic principles and democratic liberty, not to vote for a bill that will strike at the root of freedom, liberty, and democracy. It is un-American and unconstitutional. It would deprive us of our rights as citizens in equal sovereign States, free to make our own laws and use our own judgments, it would deprive this industry of its constitutional rights to make our own pictures and use our own judgment to entertain and instruct the public as we see fit within the bounds of ordinary decency.

Mr. BINDER. Mr. Chairman, I take great pleasure in presenting to you as the next and closing speaker of the evening, Rev. Dr. Cyrus Townsend Brady, of Yonkers, N. Y. He is a priest of the Episcopal Church and a writer of some 65 books, a man who will speak to you from the dual standpoint of an author and clergyman.

**STATEMENT OF REV. DR. CYRUS TOWNSEND BRADY, OF  
YONKERS, N. Y.**

Dr. BRADY. Mr. Chairman, I feel singularly lowly. I represent nobody but myself. In fact, as I listened to the presentations of the various speakers who have preceded me, I did not think that I was here at all. When I added the 5,000,000 Christian Endeavorers, and 2,000,000 parents, and the 500,000 W. C. T. U., and the 400,000 Indians represented by my Baptist brother, and the 13,000 or 15,000 colored men represented by the colored brother, and the 40,000,000 mothers and children, it made a total which left me absolutely alone, Mr. Chairman, so I do not know why they have any argument about it at all. If that is the case, they do not need to argue against the inevitable.

I want to protest against the idea prevalent in the minds of the charming ladies, especially Mrs. Barrett, with whom I often work in various ways. I want to protest against the idea that we have been putting out immoral pictures to the public. Mr. Chairman, after hearing the arguments that have been presented by these ladies this evening, are we compelled to believe that such an appalling situation exists that the ladies have not been able to find a single solitary

decent picture in the whole country? Why in heaven's name was not my picture exhibited? [Laughter.] I will ask the smiling gentleman at the head of the table, who questioned Commodore Blackston as to what his work consisted of, to permit me to say that the censorship board in the company with which I am connected consists of all the people in the United States, and it is perfectly agreeable to the people of the United States. I simply censor my pictures, and the Commodore and I sometimes get together and cut out pictures, and sometimes I cut out my own pictures, which shows a consensus of opinion.

It will be a very difficult matter to get people from all over the country so that they will be trained from the opinions that they have received, but they get their opinions from the men and women and sometimes from the children as to what kind of pictures they go to, and they get so expert that they know just what is needed. Gentlemen, it is easy to cry down motion-picture men; it is awful easy to cry down Congressmen, and even the ministers; but the moving-picture people are just the same kind of people as you are, and in the main they are actuated by high principles, filled with as good intentions as anybody on the face of the globe. It is not good business to make bad pictures. They have a certain appeal to some people, to be sure, but it is not good business; and you will find that the picture firms that do the best business are the ones that send out decent, fair and square, amusing, and uplifting pictures. I indorse what the commodore said, that pictures are not made wholly for women and children. Some of them are made for strong men, and in that particular they are similar to the best literary works of the world. There are books which are inspiring and stimulating and interesting which you do not put into the hands of your children. If you are a wise man you do not put such books into the hands of your children, because there are many things that your child should not read with profit.

Now I differ from everybody who has spoken here in that I am in favor of censorship and come down here to argue for it. I believe that everything which makes a public appeal to humanity should be censored under certain conditions. Under certain conditions I believe the clergy should be censored. I sometimes preach sermons which would be better off for a little censure, and sometimes I get it. I know lawyers who need a good deal of censoring, and heaven only knows how many newspaper men, saving the gentlemen here, have published newspapers that could have been censored. It is even conceivable that some of the Members of Congress might need censoring, not this honorable committee, but there are some.

Mr. SEARS. We are all human.

Dr. BRADY. My dear sir, we are only poor, weak mortals after all, except the authors and producers of pictures. Censorship should be exercised by the people and by the people alone. Why should any venerable grandmother allow any child to go and see a play called *Woman and Wine*? The fact that that play was passed by the board of censorship of Ohio indicates that, after all, the best censorship is in the minds of the people.

Why, Mr. Chairman, we have been striving throughout the whole course of our political history, as was said by the eminent attorney—where is he?

Mr. BINDER. He has gone home.

Dr. BRADY. He has gone in the direction of escaping some laws of this kind. I base part of my opposition to this proposition on the fact that it is a measure that is not universal; it is a discriminating measure; it is a measure which discriminates against the poor man, for the moving play is the poor man's grand opera. It is the poor man's motor car; it is the poor man's trip to Europe; it is the poor man's golf club; it is his only recreation. If you ever go to the grand opera in the pauses, or between the demands of your congressional duties—well, I will defy you to name five grand operas the story of which could be related in plain, black English to an audience like this without bringing the blush of shame to the cheek of modesty, if there was a spark of modesty in the room.

Mr. SEARS. Do you indorse this bill?

Mr. BRADY. My dear sir, I am here to indorse nothing. I am not indorsing anything. I am not here to indorse my relationship to grand opera. I am pointing out the fact that grand opera, the greatest of the Wagnerian cycle, turns on the sex problem of the most atrociously frank and sensuous character, and yet nobody censors grand opera or even dreams of such a thing. I never saw Salome unveil herself with the seven veils, but I have seen other people who have, and it did not seem to worry the police. Dancers can exhibit themselves on the stage with so little on that I hesitate to characterize what passes for a costume. One of the most sensuous of the grand operas is the one founded on the tale by Prosper Mérimée, called Carmen. In Carmen, I am told, everything is done on the stage by the very person who subsequently presents it in the moving pictures, and nobody censors Carmen. Everybody goes to see it and says, "Oh, what heavenly music"; but when it comes into moving pictures it is censored. I do not say that it ought not to be censored. I am holding no brief for it. There are undoubtedly pictures that need censoring, just as everything else that engages the attention of the public sometimes needs censoring; but if you pass an act of this kind and appoint a board of censors you will be inserting the thin point of a wedge, which, by and by, will involve the country in a censorship of everything that attempts to appeal to humanity.

For, let me tell you, I am not authorized to speak for anybody, but I am quite certain that if you try to throttle this tremendous industry whose growth no man can foresee, whose appeal no man can begin to estimate in terms of possibility—if you attempt to throttle this great industry which is trying its very best, making mistakes, of course, as we all do—your own record is not so clear and clean and free from error as to enable you to point to every incident in it with pride, although perhaps you go back and do it—who are trying earnestly and honestly to do what is right and proper—do you think they are going to stand by and see the daily press uncensored? What do you think about the daily papers? What do you do with your children in regard to the daily papers? Do you let them read everything they see there? Do you censor your papers? Do you even exercise discrimination as to what daily paper comes into your house? Do you take the one that has the pictures, the gaudiest headlines and the yellowest topics? The daily papers will be censored just like the moving pictures, and the books will be censored, the pub-

lishers will be censored, the theaters will be censored, and we will even censor Congress or the church.

Mr. SEARS. Congress gets censored every two years.

Dr. BRADY. Yes; thank God for some censorships that exist in this country. This is a bill designed to control the amusements of the plain, common people, and to let the rest go unwhipped of censorship. It is entirely unnecessary, to say the least, because the moving-picture men will do it themselves. Give them a chance and let them see what can be done. This agitation is a little beyond the moving-picture industry. It is just in its infancy now; the industry is just commencing. Now, the moving pictures have already done more to elevate the standards of the people than almost any agency in this country, and I speak as a churchman having the most profound allegiance of loyalty to its Master—no; don't shake your head at me, madam—that does not make the least bit of difference on earth to me, and I will tell you why. It has put out of business nearly every low-down, cheap, common variety show that used to tour the country and attract the youth of the country. They can not compete with the moving pictures any more. There are a few still left in New York and other sinks of iniquity, from which I come, but as a rule they are passing away.

Now, I will tell you another thing that it has done. Gentlemen, I do not know where you come from, whether your constituencies are in the great cities or whether they are in the small towns, I do not know whether your constituencies are in the urban, suburban, or farming districts, but I have lived in many parts of this country and a great part of my time has been spent in small communities, as a missionary and evangelist, going round from place to place—but not of the Crafts kind—a minister of my own kind doing missionary work, and I know the conditions in rural communities.

I know the lack of amusement, I know the monotony—the life of loneliness in those communities—and it can scarcely be imagined. Of all the lots in life the lot of the farmer's wife is especially hard. That is especially true in a Western community. She can not look forward to anything more exciting than an occasional social at the church, which is, to say the least, not very thrilling. Now, the whole world has been brought to these people, the great playwrights, the great authors, the great cities, the great manufacturing industries—a world in all its splendid effervescence of science, art, literature, genius, and joy has been brought to these people.

Now, you can establish a board of censorship, but if you do it will blot out a lot of that and there will not be so many films left as you think for. Men will not be able to invest in things of that kind when there is hanging over them a shadow of a board of censors who may or may not have artistic sensibilities. It will be a blow felt all over the country if you undertake to pass this bill. I dare say that if an accurate census was taken of these various societies that these ladies come here and attempt to voice the opinions of there might not be the unanimity which their statements seem to imply. Has anyone consulted the 5,000,000 Christian Endeavorers and the 10,000,000 parents thereof? No.

Now, one more consideration and then I am done, unless I happen to think of something more. You owe me a little consideration.

You took up so much time that you did not leave time enough for me to make a half of a statement. What is back of this desire for censorship? Now, this is serious; this is earnest; this is where I get in bad with everybody, more or less. I will tell you. The church is back of this desire for censorship. What do I mean by that? Mr. Chairman and gentlemen, if there is another thing besides the greatest amount of personal liberty consistent with the rights of man for which this country stands without regard for special privilege, it is disassociation of church and state. [Applause.] I am not accustomed to applause. I know you are with me. I can feel it without the clapping of hands. Applause disconcerts me. Have I a chance to go on for a few minutes?

The CHAIRMAN. You have 10 minutes.

Mr. SEARS. I move that he have 10 minutes more.

Dr. BRADY. Thank you, Mr. Newspaper Man.

Mr. SEARS. Much obliged.

Dr. BRADY. I repeat it—disassociation of church and state. I do not know who wrote this, but somebody has handed me this slip, and on it I see, "4,000 saloons in Pennsylvania mining districts 10 years ago. Less than 5,000 now."

Mr. BINDER. Five hundred. [Laughter.]

Dr. BRADY. Well, that is the Irish of it, now.

Mr. SEARS. What are those figures?

Dr. BRADY (reading):

Four thousand saloons in Pennsylvania mining districts 10 years ago. Less than 500 now. Moving pictures did it. Plays like *The Lure* and *Three Weeks* have been put out of business by the public. They did not last a week. *The Old Homestead* and *In Old Kentucky*, 20 years old and still running strong, and not *Johny Walker's* either.

The church has never been able thoroughly and completely to free itself from the idea that it needed and must have, in some way, the cooperation of the state in order that it might do its lawful and legitimate business. The church is always calling upon the state to pass laws to make men righteous, when it is the business of the church to make men righteous, and then let them pass whatever laws they will. And there is no more pernicious tendency in American institutions than the tendency of the church as an organization to come up and demand the passage of laws to do what the church ought to do itself. That is a perversion of the old text, "Go out and compel them to come in," and use the secular arm for the compulsion. It is a matter of persuasion. If the church can not compete with the moving pictures, it is a sign that it is not using its influence in the right way. When I have a church I do not go to the law and say, "I can not get a congregation, because my people have gone over to the moving pictures." I get the people. Mr. Chairman, I have had amusement-organization men come to me and say, "Won't you put the time of the church a little bit ahead of the moving pictures so that we can get an audience, and after it is over we will give you a free ticket." That has been done many times. We all stand for morality. The church ought not to demand the assistance of the law to enable it to do what it ought to do by the persuasional power which dwells within it and which should dwell within it. You can not make men righteous by law. You can keep

them out of jail or put them in jail, but you can not make them righteous. Mr. Thomas Mott Osborne has found that you can not make men righteous by law, but you can by exerting an influence such as he has exerted.

One more conclusion, and then I am really done, unless I think of something else more important after I get through, and that is this: No board of five or six men, such as is contemplated by this act, could begin by any possibility to censor all the pictures that are presented to it. There would be such a delay that it would be impracticable. There would be as much delay as in the Supreme Court of the United States or in any other court. If it be urged that there be created subsidiary boards throughout the country, whose members were to be paid less compensation than those serving on the directing or governing board, and the amount of the appropriation was \$40,000—a niggardly amount for such a purpose, while money should not be a measure of man's ability—God forbid, I being a preacher—yet in business it counts for a good deal—you would find it difficult to get the proper men for such a board with any such amount as that. You would open the door to the greatest amount of graft and greed and chicanery that you could imagine. It would be cruel to put the \$1,500-salary political appointee in contact with a thousand influences which would be hard to counteract.

What is the inherent objection to the lynch law? It dignifies crime into warfare, and no man possessed of evil instincts and evil imagination sees another man commit a crime and get lynched for it does not say to himself, "I will do it myself, and I will not get lynched for it." Every moving picture man on earth, even though he was as chaste as Caesar's wife and above suspicion, would feel it incumbent on himself to do his very best to break down the censorship.

Those are some of the few considerations, Mr. Chairman, that move me to antagonize the bill with every power that I possess.

The CHAIRMAN. Gentlemen, the time has arrived for adjournment. I wish to say that these hearings will continue three evenings next week. We will meet in this room next Monday at 8 o'clock p. m. and proceed for two hours and a half.

(Thereupon, at 10.30 o'clock p. m., the committee adjourned to meet Monday, January 17, 1916, at 8 o'clock p. m.)

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COMMITTEE ON EDUCATION,  
HOUSE OF REPRESENTATIVES,  
*Monday, January 17, 1916.*

The committee met at 8 o'clock p. m., Hon. Dudley M. Hughes (chairman) presiding.

The CHAIRMAN. I wish to say before we begin this evening that the committee must and will reserve the right to propound any question that the members may see fit to the gentlemen who make presentations from the floor.

I wish to state also that the time occupied by members of the committee in propounding questions to gentlemen who are speaking from the floor will not be charged to the gentlemen who are making the presentations.

I want to ask the audience also to please not make any demonstration pro or con. It is very pleasing to the members of the committee to see such a large audience as is here this evening interested in this question. The committee is profoundly interested, and it is absolutely seeking just one thing, and that is the truth and the light. We want to get all the information we can on this subject. Therefore I ask those in the audience to refrain from any demonstration whatever.

This evening those who are opposed to the bill will have 1 hour and 15 minutes, and those who are in favor of the bill will have the same time. Mr. Binder will control the time of those who are against the bill, and Dr. Chase will control the time of those who are to speak in favor of it.

Mr. Binder, you may proceed.

**STATEMENT OF MR. J. W. BINDER, EXECUTIVE SECRETARY  
MOTION PICTURE BOARD OF TRADE OF AMERICA.**

Mr. BINDER. Mr. Chairman and gentlemen of the committee, it has been alleged during the progress of the hearing that if the bill which is now before the committee should become a law it would involve all questions in connection with this matter. We contend that is not the case. We contend that if this bill were passed, or if the bill which is proposed to be enacted into law, that it would not do away with State censorship nor with municipal censorship.

In order to prove that that is not a mere assertion of mine, I sent telegrams to the governors of the three States, Ohio, Kansas, and Pennsylvania, which now have State censorship boards. In the telegram I sent to the governors I asked the specific question, "If the Federal Government passes the censorship bill now under consideration, will your States accept its finding and abolish the censorship board which you now have?"

To that telegram I received these replies, which I ask your permission to read.

Francis Shunk Brown, attorney general of Pennsylvania, replying for the governor of Pennsylvania, says:

PHILADELPHIA, PA., *January 12, 1916.*

J. W. BINDER,

*Executive Secretary Motion Picture Board of Trade,  
No. 18 East Forty-first Street:*

Answering for governor your communication of January 9, beg to inform you that Pennsylvania prefers to maintain its own censorship of motion pictures.

FRANCIS SHUNK BROWN.

Arthur Capper, governor of Kansas, replied as follows:

TOPEKA, KANS., *January 10, 1916.*

J. W. BINDER,

*Motion Picture Board of Trade, New York, N. Y.:*

Under present law Kansas can not accept rulings of outside board. If Congress passes censor law and Federal Government censors pictures in line with Kansas ideas the legislature might then repeal the State law. Am unable to give you any assurance in matter.

ARTHUR CAPPER, *Governor.*

One of the great factors in this country is labor. We all must listen when labor speaks. Therefore it is with peculiar pleasure that

I read now a telegram from Samuel Gompers, president of the American Federation of Labor, whose office is in this city. I am going to read the telegram exactly as it was written. It is dated February 14, 1915, and it is addressed to Hon. Louis E. Meyers, Senate Chamber, Columbus, Ohio. It was sent to me in Columbus, Ohio, at the time when I was in Columbus fighting for the repeal of the State censorship bill in that State, exactly as I am now here to try to prevent you gentlemen from making that same mistake which was made by the State of Ohio, and which, if you should make, you will be sorry for afterwards. The telegram says:

FEBRUARY 14, 1915.

HON. LOUIS E. MEYERS,  
*Senate Chamber, Columbus, Ohio:*

As member of the national board of censorship, as president of the American Federation of Labor, as a citizen, I urge the repeal of the law which established a legalized censorship over moving-picture exhibitions. The voluntary board of censorship has met all requirements. It has the confidence of the public. In the name of justice and for the sake of priceless freedom the law should be repealed.

SAMUEL GOMPERS.

One of the greatest motion pictures ever produced is "The Birth of a Nation." We may question the principles enunciated in the pictures, but we can not question the artistry. The artistry is supreme. The man who succeeded in putting that picture before the people is by all odds the greatest director in the world to-day, and his name is David Worth Griffith. Speaking to me through a telegram, he says:

LOS ANGELES, CAL., *January 11, 1916.*

J. W. BINDER,  
*Executive Secretary Motion Picture Board of Trade of America,  
18 East Forty-first Street, New York, N. Y.:*

The motion picture can never make any progress as an art or as an education medium so long as it is burdened with censorship. Let us be given as American citizens the freedom given workers in other forms of expression—the speaking stage, the printed word, or the plastic arts, and with the workers in these other fields. If we sin, let us be punished; but we beg and plead with you that you await the sinning before you mete out the punishment. The greatest educators of the country have urged upon us to put away the slap-stick comedies, the ridiculous sentimental mush stories, and go to the stories of history for our subjects. They have told us repeatedly the motion picture could impress upon a people as much of the truth of history in an evening as months of study would accomplish. As one eminent historian told me in person, "It teaches history by lightning." The reason for the slap stick and the worst that is in pictures is censorship. Let those who tell us to uplift our art invest money in a historic play. It does not matter with what reverence this be approached, they would find it could not be done without incurring the wrath of a certain part of our people, which would unquestionably find its reflection in the action of the censor. There is no vital period of history that can be truthfully produced in a motion picture that does not arouse the prejudice of some one of the present day. Yet no one would dare make such an attempt while censorship prevails. I was considering the production of the history of the American people this last year. It got into the papers. From all over the country I was strongly advised that this was not the time for a play on the American Revolution, because the English and their sympathizers would not take kindly during these emotional war times the part the English played in the wars of the American Revolution, and the pro-Germans would not care to see the Hessians play the part they would play in the story of our freedom. Already censorship is in the hands of the politicians, which means the Government happening to be in power absolutely controls the sentiment of the motion picture.

D. W. GRIFFITH.

The man who wrote the book upon which this play was based is Rev. Thomas Dixon, jr., a southern man, whom all of you gentlemen know about, a classmate of the President of the United States, and a gentleman beyond reproach. He writes:

HOLLYWOOD, CAL., January 4, 1916.

J. W. BINDER,

*Executive Secretary Motion Picture Board of Trade,  
Willard, Washington, D. C.:*

The principle of censorship is the same as that for which patriots in all ages have been contending. When Güttenburg invented his press and the world was furnished at last with a means of multiplying ideas on pieces of parchment, the tyrants, large and small, of that age cried out, "This shall not be." They saw in it their ruin, and they were successful for many years in suppressing it. For the right of free speech and a free press our fathers came to America and revolutions disturbed the peace of Europe, but freedom of expression was won at last in nearly every civilized nation of the world, most notably of all in the United States.

If I write a book, no censorship board goes to my publisher and asks to see the proofs. If I convert the same ideas into a play and keep within the bounds of decency provided by the common law, no censor can interpose his "I forbid." Book, play, or lecture is safe by the inalienable rights of a free people; but just wait until I make these over into a moving picture—the theory is the same for book or picture. The parchment is exposed to a slightly different process, and instead of the written word the living light and the mountains, the sea, the sky, and humanity itself are imprinted upon it. Get rid of this censorship bugaboo and let the motion picture realize the brilliant future that in all right lies before it.

REV. THOMAS DIXON, JR.

Thomas A. Edison, than whom there is no greater man in America to-day, so far as practical achievements are concerned, says:

NEW YORK, N. Y., January 12, 1916.

J. W. BINDER,

*Hotel Willard, Washington, D. C.:*

Regret we can not send representative to hearing, for we are opposed to the principle of all governmental censorships.

THOS. A. EDISON (Inc.).

A man who is not known nationally, but who, at the same time, is a very prominent man in the moving-picture world, is David Horsley. He is one of the pioneers. It was he who staked some of the pioneer companies under the belief that this dream was a real dream, and that it would materialize into solid substance. And it has done so.

He writes:

LOS ANGELES, CAL., January 11, 1916.

J. W. BINDER,

*18 East Forty-first Street, New York, N. Y.:*

Please enter my protest against House Resolution No. 456 and quote me as unalterably opposed to this cankerous growth of censorship, which seeks to tear down by unnecessary and unwarranted interference the greatest educational force in the world to-day. Motion pictures educate both young and old, and have been the greatest force for the past 10 years in the spread of knowledge, not only of the world's daily happenings, but of its scientific wonders, its scenic beauties, and has put before the public the best books and plays in such a clear and convincing manner that this knowledge has become a great factor in the daily lives of living a cleaner moral life amongst our people, a dislike for insanitary surroundings, a love of right, and a hatred of wrong. Motion pictures are making a greater impress on the public mind for good than all other forces in the world combined, including the press and pulpit. I protest vigorously against the tearing down or hampering of the wonderful work being carried forward by motion pictures by professional reformers, who will no doubt carry their reform ideas into the next world when they go and

sit around criticizing the quality of the coal instead of doing their share of the shoveling.

DAVID HORSLEY.

Oliver Morosco, a theatrical producer, whose plays on the speaking stage stand without criticism, says:

LOS ANGELES, CAL., *January 13, 1916.*

J. W. BINDER,

*Hotel Willard, Washington, D. C.:*

I wish, on behalf of myself and the three motion-picture companies that I am interested in, to register my emphatic protest against House resolution No. 456, creating Federal censorship commission.

OLIVER MOROSCO.

The Los Angeles Chamber of Commerce wires as follows:

LOS ANGELES, CAL., *January 14, 1916.*

J. W. BINDER,

*Willard Hotel, Washington, D. C.:*

Proposed Federal censorship commission regulating film productions will work hardship on producers. Censorship believed unnecessary. Los Angeles Chamber of Commerce recommends defeat of measure. We are interested in welfare of the film producers. Success of their extensive investments will prevent other than moral, entertaining, and educational productions.

LOS ANGELES CHAMBER OF COMMERCE.

The Saturday Evening Post is noted for the cleanness of its columns. A writer must be a writer of rare accomplishments to break into the columns of the Saturday Evening Post. One of these writers, Rufus Steele, a man who has written some of the strongest preachments against alcohol that have ever been written by anyone, addressing the chairman of this committee, says—and I consider this one of the strongest communications on this subject among those I am presenting to you to-night:

THE WALDORF-ASTORIA,  
*New York, January 11, 1916.*

*The Chairman Committee on Public Morals,*

*The House of Representatives, Washington, D. C.*

RESPECTED SIR: For some years I have been a writer for many newspapers and magazines. No State or Federal law has ever prescribed what I should or should not write, because I was subject to a higher statute than either.

I am now expressing my ideas through the new medium of publicity—the moving-picture screen. No State or Federal law will be needed to curb me in this, because I am still subject to, governed, warned, guided, and encouraged by that same higher statute as of old—the all but divine statute—the opinion of the people.

With all my heart I pray that the assassin of liberty may not be able to persuade you to let him cloak his dagger in the folds of the law.

Yours, very truly,

RUFUS STEELE.

There are a number of other telegrams here, Mr. Chairman, and I will not weary your patience reading them all. They are all of the same general tone and character. I will only ask you to listen to this one, which is facetious in tone, but the man who wrote it is as sincere and earnest as anyone who lives. He says:

UNIVERSAL CITY, CAL., *January 13, 1916.*

J. W. BINDER,

*Motion Picture Board of Trade of America,*

*Hotel Willard, Washington, D. C.:*

Hands off, Mr. Congress. Don't monkey with the motion-picture industry buzz saw. Industry is a lusty infant that contributes morning, noon, and night to your joys of living and those of your whole blessed family. Leave the youngsters to daddy law, who will spank him every time he misbehaves himself.

M. G. JONAS.

I also have the following telegrams on the same subject:

SANTA MONICA, CAL., January 12, 1916.

J. W. BINDER,

*Chairman Motion Picture Board of Trade,  
Willard Hotel, Washington, D. C.:*

I want to register my most vigorous protest against the Federal censorship commission sought to be created by House resolution 456. Such censorship against motion pictures is unfair, un-American in spirit, and can not but result in disaster to one of the country's most important and progressive industries. Such censorship will have the same result that muzzling the press would have.

THOS. H. INCE,

*Vice President and General Manager  
New York Motion Picture Corporation.*

LONG BEACH, CAL., January 11, 1916.

J. W. BINDER,

*Hotel Willard, Washington, D. C.:*

Censorship is a hobby, an obsession of the few who would impose their views on the masses. It is the weapon of the reactionary who would set back the hands of the clock. In censorship there are greater possibilities of evil, of abuse, than there are in a free screen. Censorship of motion pictures is class legislation of the most vicious stripe. It is an attempt to evade due process of law. It is worse than government by injunction, for even this child of a potential outlaw has to be brought into a court. Put your heel on House resolution 456.

GEORGE BLAISDELL,

*Moving Picture World.*

J. W. BINDER,

*Care Motion Picture Board of Trade of America,  
18 East Forty-first Street, New York, N. Y.*

We desire to enter our protest against House resolution 456. We indorse sentiments of motion picture board of trade of America. Free speech, free press, free stage have always been ideals of American people. One of most sacred guarantees of Constitution of United States is freedom of expression; its maintenance has been largely responsible for our Republic's longevity, but let stamp of approval once be put on the censorship of any form of expression and then and there will begin the end of democracy in America. Sincerely hope you will be successful in defeating this bill. Best regards.

BALBOA AMUSEMENT PRODUCING Co.,

H. M. HERKHEIMER,

*President and General Manager.*

Mr. FESS. Mr. Binder, how many of those telegrams are from people who are not interested in the motion-picture business?

Mr. BINDER. I should say three.

Mr. FESS. What three?

Mr. BINDER. Thomas Edison is interested now. The Los Angeles Chamber of Commerce is certainly not interested in motion-picture business, and certainly Samuel Gompers is not. But even if they were, I ask you are they not American citizens?

Mr. FESS. Yes.

Mr. BINDER. I thank you for that expression.

Without any further waste of time that was allotted myself I want to introduce as the next speaker an old friend of yours. Those members of the committee were here last year will recognize in the gentleman I am about to introduce one who perhaps gave them more light, such light as the members of the committee are seeking, Mr. Chairman, on this subject than any one else, Mr. William Stephen Bush, editor of the Moving Picture World, of New York City.

**STATEMENT OF MR. WILLIAM STEPHEN BUSH, EDITOR THE  
MOVING PICTURE WORLD, NEW YORK, N. Y.**

Mr. BUSH. Mr. Chairman and gentlemen of the committee, a little less than two years ago I had the honor and privilege of appearing before your committee, and you listened with a good deal of attention, and I must say patience to my remarks and my arguments, arguments that I thought conclusive and unanswerable against Federal censorship. Immediately afterwards you brought in a report unanimously in favor of Federal censorship.

I had been led to hope a good deal by the encouragement I received from the gentleman from Kentucky, whose sympathetic questions led me to believe that there would at least be a minority report.

Mr. POWERS. I think there will be this time.

Mr. BUSH. I harbor not the slightest resentment, but, on the contrary, I wish to state I have not lost courage at all.

I came here, I admit, with a little fear at first that possibly one or two members of the committee had been entrenched behind prejudice in regard to this matter, but that fear was thoroughly dispelled on the second night by the remarks of your chairman, when he said you were merely looking for facts, and that you would be guided by the evidence.

I want you to feel, gentlemen, that having devoted 10 years of my life, ever since there were any motion pictures, to the study of motion pictures, but having no interest in the motion-picture business financially, none whatever, that you will feel free to ask me as many questions as you feel disposed to ask, and I will deem it a privilege to answer them.

I think the issue joined between the motion-picture people on the one hand and the Federal censorship on the other is extremely plain and simple, and can not be obscured.

The advocates of Federal censorship claim that it is necessary. Unless my memory is at fault, your unanimous report to the House sets forth this sweeping and categorical statement, that the censorship of motion pictures is necessary beyond all question, and does not admit of any doubt. That, I think, is substantially your report.

Now, I respectfully submit that under these circumstances I would naturally expect to find in your hands a mass of conclusive evidence upon which you base this sweeping conclusion, and as I look through the record, and as I have listened to the proponents and the advocates of this bill, I have been unable to discover anything that could be dignified by the name of evidence, and I will go a step further and say we have not even been furnished with a bill of particulars.

I respectfully submit that the opinions of Dr. Crafts, however valuable they may be in enabling us to judge of his mental processes, are not evidence, nor is the letter from the superintendent of schools of the State of West Virginia, in which he says that 30 per cent of the pictures that he saw showed the people in the act of smoking cigarettes, evidence.

Your member from Poughkeepsie, for whose father I worked at the beginning of my newspaper career, 30 years ago, dissected that statement and showed how utterly without any evidential value it was, and I shall not waste any time upon it.

But I have tried very carefully to extract something that would resemble evidence which this committee could take consistently and as good judges of evidence, on the character of the motion pictures. I think it was on Saturday night when the only specific picture that was mentioned was that entitled "Women and Wine." It was not said that the picture was objectionable, but the claim was that women and wine should not be brought into juxtaposition at any time, not even upon the title of a motion picture.

Mr. POWERS. What do you regard as evidence before the committee?

Mr. BUSH. I will be pleased to answer that. If you had quite a number of men who had seen a very large number of pictures in different parts of the country, men whose judgment and whose intelligence you were bound to respect, and whose integrity likewise, who would come before you and tell you, writing out their opinions and giving names of pictures, dates, and so forth, that I would consider evidence.

Now, I will tell you what I consider no evidence at all, I mean no evidence to the effect that motion pictures are as wicked as they have been described, and I will give you evidence of the origin of this prejudice.

One of the ladies who spoke here on Saturday night—and I hope you gentlemen who heard her will correct me if my memory does not render her words accurately—said substantially this:

I have a friend here in Washington whose daughter, a girl of 11 years of age, went to a moving-picture show. It was a Russian play which she saw. A young woman was betrayed by a prince, and then the people were taken to Siberia in chains and were flogged with knouts. I think I am stating what she said substantially.

Do we not all recognize at a glance in this description by a girl 11 years old one of the greatest masterpieces of modern literature, "The Resurrection," by Tolstoy, not only a masterpiece in literature, but containing such a powerful, compelling lesson that I have not words to bring home its forcefulness?

A man brought up in the very lap of luxury sacrifices a young woman in humble station to his lust. She sinks lower and lower, while he, owing to the position he holds in society, goes higher and higher, and she is arraigned before him to plead to the charge of prostitution, the lowest of the low. He sees her and realizes that he is to sit in judgment upon this woman, as he has caused her downfall, and his conscience smites him and a great flood of light pours into his soul; and he shares the degradation and the wretchedness of the woman until God redeems them both.

Yet, in the opinion of a girl 11 years old, what else can you expect? The thing went over her head; she was not entertained; she did not understand.

Are we to understand that the proponents of this bill are to reduce the great masterpieces of literature that always portray the struggles that life is and always has been, reduce them to that state where a girl 11 years of age might be taught and edified? If they can do that, I am willing to let them try. It is impossible. The motion-picture shows furnish her what is best for her. You know, gentlemen, your

world and my world is not the world of the child, and the world of the child is not our world.

We can go just a little bit too far in our imagination by thinking that we are called upon to interfere in such matters. That child ought to be protected, and every child ought to be protected to the extent that every good man and every good woman has power to protect it, but there is something protecting the child stronger than human power, and I say you can not corrupt a child 11 years old. That child is under a higher protection, and you know the beautiful legend that each child is guarded by an angel from above.

Mr. SMITH. Do you mean that you could not corrupt a child under 11 years of age?

Mr. BUSH. I do mean just that, sir. Let me explain what I mean by saying that to corrupt a child morally, there must be certain antecedent conditions. We agree on that. You can not corrupt a child if there is in the child itself purity of mind and purity of body. You can not debauch a child of that age. There may be unspeakable creatures that may attempt to do it, but I do not think that the child can be corrupted just for the reason I have said and attempted to set forth.

Mr. FESS. If you had a daughter 11 years old, would you not be concerned about her ability to be corrupted?

Mr. BUSH. I would be, greatly; but I have had three daughters, and still have them, thank God, and when they were 11 years old, of course, I wanted to know where they were, but I felt very sure that they could not be corrupted.

Mr. FESS. Then why would you be concerned about where they were?

Mr. BUSH. One of those unspeakable creatures might fall upon them in the night as they were passing through a dark street. We lived in the suburbs, and sometimes they came home a little bit later than they ought to.

Mr. SEARS. I would like to ask you one question. If your daughters had been out with thugs and bums, having a big time, would you have been satisfied?

Mr. BUSH. I think you would not like it if I had asked you that question.

Mr. SEARS. I do not mean to refer to your child particularly. I was referring to any girl. Don't you think they are governed by environment largely?

Mr. BUSH. I do think that they are to an extent governed by their environment. That is a matter of debate. I do not think I can base any absolute conclusion on that.

Mr. MCCracken. Your contention is that they are not susceptible of any wrong conditions such as you suggest?

Mr. DOUGHTON. For instance, a boy under 11 years of age associates with evil company; he gets the habit of smoking cigarettes and drinking whisky and it becomes a part of his nature. Would you claim that was not corrupting his morals?

Mr. BUSH. I believe that nature protects a boy like that at 11 years of age. I think an attempt on his part to smoke or to take whisky into his system would be resented and resisted by nature. I think common opinion is agreed on that subject.

Mr. DOUGHTON. You have never seen an example that would challenge your statement?

Mr. BUSH. An example?

Mr. DOUGHTON. An example—where a boy had acquired the habit of smoking cigarettes and drinking liquor?

Mr. BUSH. At 11 years of age?

Mr. DOUGHTON. Yes.

Mr. BUSH. No; I have never seen such an example. I do not believe any of our laws are based on that assumption. We must legislate on theories that are probable, because we have no right to legislate on possibilities. If we assume that it is probable that a boy 11 years of age will become addicted to the habit of drinking whisky and smoking tobacco, I think we go counter to all human experience.

Mr. POWERS. What do you think about this proposition that has been laid down by a number of people of pretty eminent authority—that more is done to mold a child's character under 7 years of age than is done in all the after years of his life?

Mr. BUSH. A child under 7?

Mr. POWERS. Yes; a child under 7 years of age.

Mr. BUSH. That is a matter of opinion. No doubt those who hold that opinion have very good grounds for it, basing it on observations, and have given much time to its study.

But I can assure you that there are others who think quite the contrary—who think that the formative period in the child's or the man's mind begins at a later period.

Mr. ABERCROMBIE. Do I understand you to mean that you would have no sort of censorship of pictures to be witnessed by children of any age?

Mr. BUSH. I would seek to regulate the admission of children to motion-picture entertainments in quite a different way. Let me tell you the sort—

Mr. ABERCROMBIE (interposing). You do believe that some sort of censorship is mandatory?

Mr. BUSH. Not censorship.

Mr. ABERCROMBIE. Call it something else if you please, but it means the same thing.

Mr. BUSH. By censorship I mean this—let us get clear in regard to what we are talking about—to impose a previous legal restraint, a restraint prior to the publication; that's the essence of censorship.

Mr. ABERCROMBIE. You would have no prepublicity censorship of any description for children or adults?

Mr. BUSH. I would not; but I will say this, that I believe the admission of children to motion-picture theaters ought to be regulated, and regulated, perhaps, more strictly than it is regulated today. I would not allow children under age indiscriminately in the moving-picture theaters.

Mr. FESS. You would not discriminate under 11 years? If I understood you, you made a very broad statement—that children could not be corrupted under 11 years of age, so that they could go to any kind of picture show?

Mr. BUSH. A child may be corrupted or disgusted by two entirely different influences. A child might go to a theater as this child we have been talking about here. Do you believe for a moment that

this child, seeing the Tolstoi play, was corrupted? I am sure she was not. I say that, not because I know the child, but I say it as a self-evident proposition.

But the lady who related the incident said that the child was troubled in her sleep. That I readily believe, and for that reason I would not want to take my child. I think I have some responsibility to my children, and I think if parents generally would take a little more thought about where they are sending their children, and to what place, I think much evil would be avoided.

Mr. ABERCROMBIE. You agree that if we have any censorship at all it ought to be pre-publicity censorship.

Mr. BUSH. Yes.

Mr. ABERCROMBIE. I wish you would point out how any other form of censorship would be effective.

Mr. BUSH. Censorship; unless my school-day memory goes back on me, censorship means in itself a previous examination. The old Roman censors were the custodians of the morals of the people, and before a young man in Rome was permitted to wear his toga virilis he had to get the permission to do so from the censors.

Mr. ABERCROMBIE. If there is no demand for censorship, as was suggested by us here during the last Congress in the unanimous report of this committee, why should the moving picture manufacturers and exhibitors throw on the screen before each picture the words, "Censored by the national board of censors?"

Mr. BUSH. I think there is not anything more absurd than that word "Approved by the national board of censors."

Mr. ABERCROMBIE. Can you tell us why that is used in that way, if it is believed it is absolutely no demand for censorship?

Mr. BUSH. I would be glad to tell you how it is. When the so-called voluntary censorship originated, at that time it was an imposition of standards upon themselves. The producers realized if they would set their own standards, although in my judgment they had a perfect right to do so, just as the newspapers set their own standards, yet these companies in order to forestall any prejudice that might arise, thought that in calling in civic bodies, these men and women, many of whom I know, whose method of working I know, whose character is above reproach—they were called in to offer their advice and their assistance.

Personally, I believe that any kind of censorship, even that so-called voluntary censorship, is wrong, and it has always struck me as something preposterous and absurd to say, at the end of a moving picture scene of Niagara Falls, after depicting the glorious handiwork of God, at the end of that to say, "Approved by the national board of censors."

Mr. ABERCROMBIE. Do you think then that this is done to meet a prejudice rather than to satisfy a demand?

Mr. BUSH. I will tell you why I think so. The motion picture has now been before the American public for more than 10 years. We have eight and forty States in this Union. There has been an agitation in certain quarters for motion picture censorship, and yet there is not to this day any official censorship except in these three States which have been mentioned, Ohio, Kansas, and Pennsylvania, and in Pennsylvania the sentiment is against that censorship, against the arbitrary, high-handed methods of the board, and that

sentiment was so strong that the Legislature of Pennsylvania at its last session amended that law by allowing an appeal to the court of common pleas in every county in which a citizen cared to bring an appeal from the decision of the board, and out of all the decisions that have been appealed, only one was fully sustained. That much for the demand.

If there had been really a healthy, honest, genuine demand, do you believe that out of eight and forty States there would only be three that have this thing?

Mr. FESS. Do you not think there will be more than that in the future, more than these three?

Mr. BUSH. No, sir; I honestly believe just the contrary. If you had seen the working of those two censor boards—I have never been in Kansas—if you had seen the workings of the censor boards in Ohio and Pennsylvania, you would realize how true that was, which Mr. Colby said the other night, that the American people are surcharged with humor, and they will laugh this thing down sooner or later. They are laughing it down now in Pennsylvania and Ohio.

Why, sir, in Pennsylvania—I am now speaking from the printed records, and I do not want you to regard anything I say on that subject unless, within seven days after the close of these hearings, with the permission of the chairman of this committee, I file with you the documents themselves, the printed rules and regulations of the boards of Ohio and Pennsylvania.

In Pennsylvania a picture, a comedy, was cut to pieces for this reason: A young couple had been engaged, and then they were suddenly seen in a high-powered automobile. They were proceeding at the very highest rate of speed that can be simulated very easily by a trick of the camera, and while going at that tremendous rate of speed the young man and the young woman, the engaged couple, stood up, and the minister, who was there, married them in a great hurry; and it was held by the board that marriage was too sober and serious a thing to be entered into thus lightly, and it ought to be considered very carefully, and that for a couple to marry in that way really might encourage hasty marriages and result in long-drawn-out divorces.

Mr. POWERS. Was that the Pennsylvania board's decision?

Mr. BUSH. That was a decision by the Pennsylvania board; and I am going to tell you about another case.

Mr. FESS. I have heard of a case where some one objected to the reading of that part of the Mother Goose rhymes which refers to the dish running away with the spoon on the ground that that might teach elopements.

Mr. BUSH. If that happened in Pennsylvania, I would say it was in strict adherence to the cardinal rule promulgated by the chief censor, Mr. Breitingner, a most estimable man personally, who in the interims of his law practice finds opportunity to censor motion pictures. This is the rule he made there—and I renew my promise to send you the printed copies of that. The rule says that all comedies must be animated by a serious purpose.

Another picture showed a curious contrivance, something that looked like a mill or a large capacious hopper; into this hopper were dropped dogs—live, honest to goodness dogs—at the other end there

came out the finished product—sausages. That picture was suppressed on the ground that for children to see it would make them cruel toward animals.

I think when Mr. Colby spoke of the American people surcharged with humor, he should have excepted the censors from that sweeping statement.

Mr. DOUGHTON. Do you not think a thing of that kind would be likely to hurt the sausage trade?

Mr. BUSH. If the objection had come from the sausage makers, I would have said that their attorney had something to talk about.

I am sorry that I have not my paper with me to show you those things, but I promise to send it to you. I have taken the trouble to apply the rules and standards of the boards of Ohio and Pennsylvania, and not only the rules and regulations and standards, but likewise the past performances of those two boards to the plays of Shakespeare, and out of the entire series of plays only four remained unscathed—Timon of Athens, the first part of Henry the Fourth, and the second part of Henry the Sixth. The rest, after applying these standards, die down to flashes.

There are a thousand feet in a motion-picture reel. It takes about 12 or 15 minutes to run through a reel, according to the speed of the operator and the size of the crowd that may be waiting in the lobby. This unit of entertainment was afterwards gradually lengthened out to two, three, four, and five reels, and as was pointed out to me this afternoon by a practical exhibitor of motion pictures, the patrons are beginning to divide themselves. Children do not go into these places any more where they have to sit through five reels. That is too much for them. They go to the old-fashioned kind of motion-picture houses, where the reel moves along rapidly and tells its story quickly.

There are a thousand feet in a reel. The Ohio censor board has cut down the length of a kiss to 10 feet. It is almost impossible to imprint anything like a decent kiss in that short time. It does not make a particle of difference whether a mother kisses her son, a brother kisses his sister, or a husband kisses his wife. It is 10 feet and no more.

Mr. FESS. What is the national board's standard for a kiss?

Mr. BUSH. According to the exigencies of the situation, for there are certain kinds of kisses that the national board and all of us want to encourage to the limit. Just imagine a married couple, a middle-aged married couple who have been through the rough part of the sea of matrimony, and who, perhaps, have had a spat, coming into a theater and seeing a middle-aged husband smile and kiss his wife very heartily and honestly like he used to do in the sweetheart days. I think the effect of that kiss is fine. Imagine the difficulty of the director of a studio working up a scene in Romeo and Juliet. There are the two people, who, according to all traditions, ought to be permitted some little leeway when it comes to kissing. Just as Romeo is about to plunge forward and impress a most fervent kiss on the lips of Juliet the director cries out, "Ten feet, no more."

Mr. NORTH. What cause brought about the censorship laws in these States?

Mr. BUSH. I will tell you that in a moment. The Ohio law was put on the statute books through the agency of a man named M. A.

Neff, who is dead. He was president of the Exhibitors' League of Ohio.

Mr. Neff believed—and I have no reason to think otherwise than he believed honestly—that if the State of Ohio would adopt State censorship that would immediately do away with censorship in every political subdivision of the State. I think something like that was written into the bill when it came to Columbus, but when it met the eyes of the powers that be that part was stricken out—the part in relation to censorship in counties and towns and cities—and to-day we have this spectacle, that Ohio has the right—I am not sure now whether I have the right name—but those cities that have a home-rule charter have the right to add whatever brand of censorship seems best to them to the censorship imposed by the State. That is the history of the censorship in Ohio.

Mr. FESS. We have it where the cities are run on the city-manager plan. They have the right to adopt any censorship they want.

Mr. BUSH. Exactly. In the State of Pennsylvania there was a curious situation. That law was passed in 1911, and it lay dormant for two years, and for a very powerful reason. They had forgotten to make any appropriation for its enforcement. Then the gentleman who is now at the head of the board of censors and who at that time represented the exhibitors as counsel at Harrisburg, caused the passage of this law.

As to the State of Kansas, I can not tell you.

Mr. McCracken. Do you not think other States will adopt similar laws in time?

Mr. BUSH. No; I do not. I do not see why they should.

Mr. McCracken. Three of them have already done so. Suppose that several others do. Is it not a fact that, in order to protect your own business you will come here to the Federal Government and ask them to enact a law which will make it easier to carry on your business and will make the censorship supreme to the censorship of a State or any other locality?

Mr. BUSH. Mr. McCracken, I can not find words strong enough to repel that idea.

At the last meeting of the committee all the members except Mr. Towner agreed that the States would continue to exercise concurrent jurisdiction with the Federal authorities in the matter of censorship.

I think Mr. Powers went into that quite extensively, as will appear upon the records of the committee.

Mr. NORTH. I understood you to say it was through the influence of one man that the law in Pennsylvania was put into effect.

Mr. BUSH. I did say that.

Mr. NORTH. Will you give us his name.

Mr. BUSH. His name was Mr. Breitingen.

Mr. NORTH. He then had supreme control of the Pennsylvania Legislature, I suppose.

Mr. BUSH. No; I do not want to say that at all. But I have never heard it stated that in order to get a law through a legislative body you had to have control of that body.

I have served as legislative correspondent in Albany for a number of years, and I never knew you had to get control of the legislature in order to get a law through.

I think, however, you have to be a man with influence, with lobbying abilities and log-rolling ability. I think in that way a good many of the laws are put through in State legislatures.

Mr. TOWNER. I think that all of your proponents have said it would be bad policy having to send out your reels if they contained any deleterious matter, for the reason that if they did so the people would not patronize them. That is your view, is it not?

Mr. BUSH. No; that is not my view.

Mr. TOWNER. It is not your view?

Mr. BUSH. No; not at all.

Mr. TOWNER. Then you think that the moving-picture manufacturers would not be restrained by any fear of their reels not being taken, or not being accepted, because of their bad character?

Mr. BUSH. Judge, I do not think you can impale me on either horn of this dilemma. I could paint the newspapers in blacker colors than the moving pictures have been painted. Those pictures are put forth by unscrupulous men for the purpose of appealing to the baser instincts of man, by all sorts of irresponsible men who do not expect to stay in business. An honest man, a responsible man, a man who expects to stay in business, knows that good pictures, clean pictures, are commercially the most valuable, and if you will permit me I will answer your question more completely.

That company to-day, which I will name even at the risk of seeming to advertise it, that company which to-day specializes in absolutely clean pictures goes to the storehouse of literature and shows the clean, unobjectionable pictures is the Paramount Co., which distributed the Laskey and other features—that company to-day is on a firm, sound, solid basis, but that company has again and again been dragged into the courts of Ohio and Pennsylvania because of captious objections on the part of Mr. Breitinger, whenever a comedy fails to be animated by a serious purpose.

Mr. TOWNER. You and I both agree. I think that it is literally true that they will succeed best who have the cleanest pictures to give the people.

Mr. BUSH. Yes, sir; that is true; unless they are hampered by censorship.

Mr. TOWNER. I have never been able to see, as you seem to be so ready to see, how, if you secure these reels that are really indorsed by the good people of the country with a certificate that is worth something, a national certificate of the fact that you may take your children to see one of these reels that has been approved in this way, with absolute security, I have been unable to see how it would hurt your company. It would seem to me it would call for greater patronage every time such an exhibition was given.

Mr. BUSH. Let us face the real question, Mr. Towner; we are getting back again to the same old story. We, that is to say, the moving-picture industry, believe that it is capable of imposing upon itself the same restraint and the same decent regard to public opinion that underlies the foundation of every leading newspaper in this country.

Mr. TOWNER. Let me say right here, that if all the moving-picture companies were the kind you speak of, if all the moving-picture companies were controlled by the kind of men that have appeared before this committee, we might agree that there should be absolutely no restriction upon them.

But they are not all that kind of companies or that kind of men. There are companies that would pander to vice and to the meanest instincts if they thought they could make a dollar by so doing. You know that as well as I do.

It is in the minds of those who favor censorship of any sort or kind that we might give the good companies a certificate, so that they could take their pictures to the people with the assurance that they are good and entitled to support, and that we may make it impossible for the bad companies to throw their vicious pictures before the mind of the children of this country.

Mr. BUSH. The remedy would be far worse than the disease.

Mr. TOWNER. I know you think so.

Mr. BUSH. Because those very companies that are making clean and good pictures—the companies to which I referred a few moments ago, I did not say that there were no others. There is the Vitagraph Co., Biograph, the Lubin, Kalem, Edison, Triangle, Selig, and dozens of others.

I have seen during the time I have been connected with the Moving Picture World, since it was first published—I have seen probably as many and perhaps a little more moving pictures than the great majority of men, because it has been my business. I have seen more of them in the past than I see now.

These two weeks past, I assure you, have been a great relief to me not because the pictures I have seen are objectionable but because you get tired of seeing 10 or 12 reels every day, although the censors in Pennsylvania and Ohio claim they can look at I don't know how many reels a week and at the same time make a careful examination of them concerning their moral qualities.

Mr. POWERS. You are a newspaper man, Mr. Bush, and connected with that business. I want to ask you what reason can be given for the censoring of these picture films that would not apply more forcibly to the censoring of the newspapers?

Mr. BUSH. None at all. Let me answer your question a little more in detail.

I show you this picture. It is still [indicating picture in magazine]. I ask you if I take this picture and put it into a mechanical device and throw it through a mechanical device upon a screen, through an intermittent movement simulating motion, at what period does your right to interfere with this picture begin? You can not claim under our system of government that you have the right to ask me before I circulate this picture to go to police headquarters or to some authority and say, for instance, to the sergeant at the desk, "How about this picture?" and then put it up to the sergeant at the desk, who says yes or no.

At what period of the movement of the picture does the right to control it enter? If the still picture is not under control except for violation of law now existing upon the statute books, why do you discriminate against a picture that I move?

Mr. FESS. I do not agree with you there, when you put a newspaper on the same basis as the moving picture. While I said the other night, and while I repeat it now, I would not vote, under any circumstances, to censor newspapers, and yet I do not think that they are put on the same plane with moving pictures, for the reason that the

moving pictures are seen in groups of people who are always in action, and while I believe it is susceptible of greater influence for good than the newspapers, I think it is susceptible also for a greater influence for evil.

Mr. BUSH. Let me ask you this question: Do you believe that at the bottom of that enfranchisement that we have given to the press lies the recognition by the Commonwealth itself that with all its incidental evils the press is a source of information, and therefore it ought to be enfranchised? Therefore every State, and the Federal Government as well, has written into the Constitution that every citizen may properly speak, write, and publish, and no law shall be passed to restrain the liberty of speech or of the press.

Is not the analogy perfect? If I want to print a paper, I buy the white paper, I buy the type, I buy the printer's ink, I press the types upon the white paper. If I want to make a picture, I buy the celluloid, I sensitize it, and I print something upon it by means of light. The analogy is perfect. The medium of expression ought to invite the constructive and sympathetic wisdom of American statesmanship, and nothing else.

Mr. POWERS. Is it not true that the newspapers have infinitely more power to destroy the character and reputation than have the motion pictures, in most instances, and yet a man has no relief from that sort of attack? The newspapers can hit him every day and every moment in the entire year. You have no way of defending yourself.

A good many—

Mr. BUSH. Yes; and often those who are responsible, if they are animated by personal hatred, will hound a man to death in public life.

I have seen a case where the district attorney of the county of Kings, Foster L. Backus, as honorable a man as ever lived—I have seen that man grossly, fiercely, and unjustly libeled by the New York World. He brought suit against the New York World, and a jury of intelligent citizens came in with a verdict for the defendant.

The liberty of the press is subject to regulation by law, but, as I said to you a while ago, I could paint a picture much darker of the press than anybody could possibly paint of the motion pictures.

The motion picture never yet has shown a record of contemporaneous crime. But when you take up a newspaper what do you find but a record of crime?

Our news weeklies upon the screen—and I challenge any person within the reach of my voice to arise and say that we have ever brought crime or anything resembling it upon the screen through our news weeklies. In that respect, I think we stand ahead of the newspapers.

James Gordon Bennett, the editor of the New York Herald, was brought here for printing advertisements bringing young ladies together with old gentlemen through the medium of personal advertisements, "object, matrimony." and he barely escaped going to jail.

For that reason would you gentlemen think of destroying the liberty of the press, with all its evils which have occurred to those who have suffered through the abuse of the liberty of the press?

Mr. TOWNER. You might give a better example of injustice, from your standpoint, because the newspapers publish the details of all

prize fights that occur, but you are not allowed to show on your films the details of the fight.

Mr. BUSH. Long before Congress passed that law, when I imported two or three thousand feet of motion pictures which I had taken of Rome for my own benefit, I had to make an affidavit that the Colosseum at Rome was not a prize ring.

This is the fact, as I stated before, that the press is subject to law, enjoying constitutional liberty, and that is why we want the motion pictures in the same class.

Up in New York, when they had the new constitution under consideration, Mr. Marshall said to me, "Your industry has grown so rapidly, you should give us a chance to catch up with it." But we believed we were entitled to protection by reason of the general usefulness of the motion picture, and because we were denied what we considered to be our rights we appealed to the people. I myself addressed 50 motion-picture audiences in the State of New York. We helped to defeat that constitution.

Mr. FESS. In Ohio, we have a law providing that if anybody has an advertisement, that fact shall appear at the bottom of the advertisement.

I saw a reel somewhere where some man rushed out into the crowd with a big banner, and a policeman put him out. Was that accidental, or was that not an advertisement of that particular thing, which was paid for?

Mr. BUSH. I would not be prepared to answer that.

Mr. FESS. It occurred to me that was an advertisement of the business and a part of the plan of the reel maker.

Mr. BUSH. I must say that I have seen such instances very rarely. I know the manufacturers do not want such things, and they will not have them if they can possibly guard against them. They do not want to put anything in that looks like an advertisement.

Mr. BINDER. I can answer your question specifically. Do you want to know whether advertisement of that proposition was put onto the motion-picture screen and paid for?

I can cite a specific instance where the firm of Pathé Freres was offered \$25,000 for the privilege of putting a can of its product on a dining-room table, in a scene in which a dining-room table was used in a part of the play. They wanted to put that can of their product in such a position that the label could be seen by the people out in the audience. That was refused.

Mr. TOWNER. I want to say that so far as some of the members of this committee are concerned I am very sure that the members of the committee fully appreciate the wonderful influence and the beneficial influence, and especially the beneficial and educational possibilities of moving pictures.

We would be glad to encourage the growth and development of every company that will produce good pictures.

I want to repeat here, and give an instance that I think is more strongly in your favor than any instance that has been cited, or at least any that I have heard.

Not long ago, in the city of New York, a very strange thing occurred. A large number of the saloons in the Bowery district surrendered their licenses.

So anomalous was this proceeding that the leading New York newspapers sent their reporters down to investigate the cause. Nearly all of the saloon keepers said they had been put out of business by the moving-picture concerns, and that the moving-picture concerns had been established alongside where they were, and instead of a man going to spend his money in a saloon he took his wife and children to the moving-picture shows.

No good man or woman would want to curtail or injure that sort of thing in any way, to prevent the development of any power that could do good of that kind, that could furnish for that class of people amusement that would take them away from the saloons, or that would take the place of the saloons.

But we must recognize that the people of the country are very much injured, or feel that they are much injured, by a great many of the moving-picture shows. Whether those shows come from well-established concerns I do not know, personally.

I will say that so far as my experience goes I have never seen one of that sort that had the sanction of one of the larger companies—that is, a moving-picture scene of an objectionable character.

But there are thousands that are not of that class and character, and if they are allowed to develop there is a belief on the part of a great many people, and a great many good people, that if they are allowed to develop and increase that certainly there ought to be some method of restraint.

Gentlemen are always talking about pure. Pure will not do in this case. It is just as it is in any other evil, prevention is the better thing to do.

You talk about censorship as being evil in itself. Censorship of the present might be a benefit. We fear it would be a greater evil than it would be a benefit, and therefore we do not have that.

Everybody recognizes that the press ought to be censored, but they fear to do it, and this is the great strength of your objection to this particular censorship, the fear that you have, and that I myself have, that perhaps the board of censorship might prove more of harm than good.

Mr. POWERS. But you think there is no question about that? There is the difference between us.

Mr. BUSH. Have you given consideration to this question? I thank you very much for bringing out that point in favor of the moving pictures, but is it not entirely within the bounds of possibility that we may have a very hotly contested presidential election, upon which great issues depend? Is it not altogether possible that one party, both parties, will want to use this powerful thing to influence the voters, let us say, the tariff? Would not the party in favor of a revision downward have their motion pictures, while the protectionists would have their motion pictures showing the evils of free trade, etc.? Now, is it not entirely possible that this tremendous power, which ought to be left free to mankind, and to all the people, might pass into the control of a board of censors?

Mr. POWERS. Just one more question, and I will promise you I will not bother you any more: Is it not true that this board of necessity would always be political, and always be partisan, ap-

pointed either by a Democratic or a Republican President, or by both?

Mr. BUSH. Nothing could be more sure than that.

Mr. POWERS. Necessarily political, and necessarily partisan?

Mr. BUSH. Yes, sir.

Mr. POWERS. Now, then, there is no provision in this bill as it now stands that there can be any appeal from a decision of this commission, and all the appeal that could be granted in any case would just be carrying it up the line to the head of the department in which this appeal comes. No relief in the courts at all one way or the other, and the head of this department is a partisan Republican or a partisan Democrat, and there you have got it in a nutshell.

Mr. BUSH. What would become of this country if the control of the press of the country were given into the hands of one political party?

The CHAIRMAN. Mr. Bush, might I interrupt you just a minute, and ask you a question?

Mr. BUSH. Yes, sir.

The CHAIRMAN. What would the average daily attendance be of a moving-picture show? Have you any way of estimating that?

Mr. BUSH. That is, of course, an extremely difficult question to answer. You see, so many elements enter into it. Now, take the summer house—

The CHAIRMAN (interposing). Excuse me; I thought perhaps you knew.

Mr. BENDER. I can answer that.

Mr. POWERS. I want to reply to this matter that came out here a moment ago. They said that the Supreme Court and the Interstate Commerce Commission and all that were partisan, but this board would be on an entirely different footing from the Supreme Court, and on an entirely different footing from the Interstate Commerce Commission, because this commission would be dealing directly with that character of stuff which would make and unmake political parties throughout the country.

Mr. BUSH. Absolutely, sir; and Abraham Lincoln is on record as saying that the Supreme Court has been swayed by partisan feeling.

The CHAIRMAN. I would ask Mr. Bush what percentage of children attend moving-picture shows?

Mr. BUSH. Between 8 and 10 per cent. That is not guesswork. That is by actual information; that is, children under 12 years of age. There is just one thing more that I must allude to, because I think that the committee has paid a great deal of attention to it, and I think the committee is entitled to a full, fair, and frank explanation. Let me see what the actual, plain facts are about this proposition. That publication called the Universal Weekly is what we know as a house organ; that is to say, it goes to those exhibitors who take that particular brand of film. Now, this statement alleged that there were 22,000 of exhibitors in the country. It just happens that we know probably better than any other agency the number of exhibitors in the United States, and it does not exceed 15,000.

Mr. POWERS. You said your company did not publish indecent pictures, such as are published by fly-by-night companies. When

you speak here to-night, do you represent them in person, voluntarily?

Mr. BUSH. No.

Mr. POWERS. Do you mean to say that no companies—the fly-by-night companies show pictures portraying crimes and possibly indecent pictures?

Mr. BUSH. No, sir; there is no crime which frequently enters into a dramatic portrayal, but even then it is largely a question of taste rather than a question of ethics, and I think the objections of our lady speakers here on Saturday night showed plainly that they were objecting to the pictures far more on the ground of taste than of ethics.

These 15,000 exhibitors are served by the 4 big groups, and by 10—possibly 20—small groups of producers. The Universal Co., of which Mr. Carl Laemmle is president—the man to whom this statement is attributed—supplies, say, 20 per cent. Now, it shows, therefore, how grossly inaccurate that statement was, but you are entitled to know just how that statement came to be made. Mr. Laemmle, the president of that company, is, I think, irreproachable personally, but he has a press agent who sometimes goes on a rampage and makes statements and Mr. Laemmle signs these statements, most of the time not knowing what his press agent is doing, and the moment that thing appeared in some of the newspapers of the country, we, in our office—in the Moving Picture World—we received many complaints and inquiries. "What is this?" And I took the thing up to Mr. Laemmle and I said, "Did you really make that statement?" And he looked perplexed, and he did not know whether he had or not until he called his press agent, and his press agent assured him that he had made that statement, and that is just the whole history of that, and you can well understand how, without this knowledge of the facts, it might be possible for a man to draw an entirely unfair and an entirely unfounded and vicious conclusion.

Mr. ABERCROMBIE. You stated that you did believe in some form of censorship of pictures exhibited to children, but you could suggest a far better censorship than a localized one?

Mr. BUSH. You must have misunderstood me. I did not say that I was in favor of censorship for children. I said that pictures might be selected for children especially, and that the admission of children into moving-picture theaters and a greater exercise of parental control would abolish all the evils, if any serious evils exist, which I seriously doubt.

Mr. ABERCROMBIE. In other words, you think the parents ought to see a picture first and then determine whether or not the children should see it?

Mr. BUSH. That is a minor question, a question of detail.

The CHAIRMAN. You have occupied an hour and a half, but the secretary there informs me that 40 minutes of that time was taken from your side by the questions by the committee, you have left, therefore, 20 minutes.

Mr. BENDER. I will, then, introduce to you Mr. A. H. Simon, rabbi of the Eighth Street Temple, of Washington, D. C., who speaks at his own request.

## STATEMENT OF RABBI A. H. SIMON.

Mr. SIMON. I am not representing any organization. I am representing no church. I am in no wise interested in any moving-picture company. I took the liberty of showing my interest in this question by asking a gentleman, whom I was told was interested in this discussion, the privilege of saying a word.

I must admit to a change in my attitude toward this whole question. I was one of the very violent attackers of the "movies" some time ago. I could summon up all kinds of nasty words to say against them. I have attended quite a number of meetings before police authorities in this city and elsewhere seeking toward the regulation of the movies. I have learned several things. The first thing I have learned is that the dissatisfaction with the movies is an exaggeration. I do not believe the country is really so stirred up as we are generally led to believe about the immoralities about the pictures. I believe we have got a good deal of movie hysteria, and I am honest enough to admit that I was hysterical some few years ago.

Some time ago I attended a certain committee meeting looking toward the regulation of the movies, and I had come there advisedly to protest against certain pictures, and the great thing about the pictures was that some of the women of different organizations—some of the pictures that they considered absolutely immoral I considered high class, and some that I disliked the other committee had not seen. Now, here was a body of well-intentioned men and women, and what was the result? The result was that all of us had neither sanity nor a sense of humor, and I do not believe that you are ever going to be of good sense unless you have both. I found that all of us had our own individuality. We had our own ways of looking at things, and though all of us were moralists, in our way, we had all gone, I think, far afield.

Now, I come here with a far different proposition. Do you know, gentlemen, I do not honestly believe that the passage or the enactment, rather, into law of this bill is going to add anything to your reputation as moral educators. I candidly do not believe, gentlemen, that this bill if enacted into law is going to add anything to the educational values of our country, and I will tell you why: If I were decidedly in favor of the bill before I came into the room, by listening to your questions I should have become a very ardent advocate of it, because I think the questions you have drawn out are the most powerful arguments possible against the passage of that bill.

Now, let me tell you. When a body of gentlemen voluntarily put upon themselves a burden and a pressure, are you going to stab them for it? I have known companies whose pictures were unsatisfactory, and I should even say inimical to public morals, and yet I have known those very same companies in the last three years to turn face around. You know, as well as I do, that the majority of the pictures in this country are clean and wholesome, and can not be called indecent. Now, the minute you pass this bill, even the very mention of a document of that character condemns the moving pictures at once, and the minute you say, "Gentlemen, I am sorry that it becomes

necessary to pass such legislation because your pictures are not calculated to teach good morals," you condemn them by the very words of the bill, not by what you know. Now, I know personally, because I go to the movies. I not only go to the movies, but I send my children to the movies, and I get from my children exactly what they have seen, and I am not afraid. And why? From the description the boys give me I know the character of pictures all through our city has changed, and changed for the better. I could continue along this line, but I want to present a different proposition. Why is there a different character of pictures? Simply because there has been a pressure brought to bear upon these movie manufacturers, and they have been taught that a good picture is a good investment; and they have been taught that there is such a thing as a baby conscience, and that they can not afford to be insensitive to public opinion. Now, because of that outer pressure they have voluntarily changed the character of their pictures, and are you going to condemn them now and say, "Gentlemen, all right, you have shown your good intentions, but we will do something else"? Gentlemen, you are not even giving them the credit for decency. You are not giving them even the credit for trying to meet the demand of public morals.

Let me give you the finest illustration in the world. I need not hesitate to tell you that I was not born in Ireland. I am not representing any church. I am a Jew. You know as well as I do that we have been unfortunate victims of the nasty biting tongue, and you know as well as I do that the movie first held us up to ridicule, and we have not only been disgraced in these movies but we have found our religion traduced and disgracefully traduced. We felt very much hurt, and we felt that there was a remedy, and that remedy was public opinion, and what did we do? We did not come to Congress. We organized a society—the Independent Order of B'nai Brith—which is the largest Jewish fraternal organization in the world. It organized what is called an antidenominational league, with headquarters in Chicago, and the league, for the defense of the Jewish name, united with other people—in the Catholic Church—the Truth Society and the Holy Name Society—and it wrote to all of the movie manufacturers of the country asking them that they do not traduce the Jewish character and the Jewish religion, and that they do not hold us up to ridicule; that we did not object to the depiction of Jewish character, but we did object to Jewish caricature and the caricature of our name and of our religion, and after having thus explained to the manufacturers our position we appointed committeemen in every city in this country, asking that they appeal to the municipal authorities that they permit not the presentation of pictures that were calculated to offend the Jewish character and Jewish sensitiveness.

What has been the result? The result is, so far as I know, within the past year in Washington at least—and we have got our eyes open—there has not been found necessary a protest, because the movies in this country are not producing that type of picture any more. Here and there one may slip through, and we are very happy even for the exception.

Now, then, if we have been able to speak in such positive terms to these men who make the pictures, and if they feel that it is to their

interest to give us such pictures as will not take and traduce the Jewish name or the Jewish religion, do you mean to tell me, that when the country shall say, not through Congress but through the schools, through the churches, through the members if you will, that we do not want, not so much the traducing of Jewish or Jewish character or Christian character, or any other character; but we want no pictures on the screens that would likely lead our boys and girls astray; do you mean to tell me that the movies would not stand by it? Of course they would.

Now, then, suppose, gentlemen, this bill had been a law a year ago, two years ago, what would we Jews have been compelled to do? We would have been humiliated, we would have been compelled to bow and bend and scrape and humble ourselves, and come before the Federal board of Congress and say, "Please, Mr. Congressman, do not let these movie men make fools of us and traduce our character." I do not think it would be worthy of us to be compelled to come to Congress for a thing of that kind. No; candidly, I had rather go to the citizenship of the country and say to the men as citizens, as men who are earning their living in their respective ways, "We had rather have you do this thing voluntarily."

Now, then, from that point of view, because these men have consciences, and because these men want to earn a living by respecting the conscience of the people, I believe that it is not necessary to present a national bill of this kind. I rather hesitate when too much of this national legislation is in vogue, when there are other vehicles through which action might be had.

Now, the gentleman, the second gentleman—I do not know many of you gentlemen here—but the second gentleman, for instance, made a statement which ought to, if I were a lawyer, throw this whole bill out on technicalities.

Mr. POWERS. If you are going to give me credit for anything I will tell you my name is Powers.

Mr. SIMON. I am glad to meet you, sir. The gentleman who spoke here before me presented the distinction presumably between the picture on the paper and the picture on the screen, and, gentlemen, it is an unanswerable argument, and I doubt if you can answer it. You can not say where the morals begin between the picture on the boards and the picture on the screen, and there is an analogy so strong that I can not see how you can answer this gentleman's argument.

Now, Mr. Powers goes one step further and he says when the commission thus appointed looks over the picture and the commissioners have made a mistake, where is the redress? You have no redress, and whereas the redress lies in the fact that this belongs to the Bureau of Education and the motion picture commission as a part of the Bureau of Education, you are widening the sphere and the scope of the Bureau of Education, so far as I know. If these pictures were to teach a bad geography, or to teach a bad arithmetic, or bad history, I can conceive its coming within the scope of the Bureau of Education, but so far as I know the Bureau of Education does not presume to have anything to do with ethical treatises and with moral problems. The minute you get into the moral problem you can not draw the line between it and the religious one. There are some of

us who believe that real morality is worthless unless it has the religious sanction, and I, as a religioner, hold that, but I am not going, as a religioner, to impose my ideas upon the Commissioner of Education.

Therefore, I believe that you are giving unto the Bureau of Education a problem in morals, and not purely in education, and you are enlarging their scope more than I believe it ought to be enlarged, and which I believe ought to be beyond your sphere. I am inclined to believe, gentlemen, that the time is coming when we shall make our own theaters for children. I remember in the city of Frankfort last year, just before the war broke out, Frankfort in Germany, my wife and the two boys were going up one of the main streets and wanted to go to a picture show, and we saw some pictures that looked very attractive on the outside, and when I started to enter the man said to me, "How old are your children?" and I told him, and he said, "Children under 16 years of age are not allowed in here," and I had no redress, and I am wondering to myself if here is not an answer—that here is a problem, and here is a solution. Each municipality must solve its own problems, and I believe that the morals per se belong not to the Government but to the States. I am something of a Southerner, because I was born in Tennessee, and I am something of a State rights man, and I feel that the morals of citizenship belong to the States and to the municipality, and not to the Federal Government.

You said to me, "Suppose a picture were thrown upon a screen passed by the National Board of Censorship, would not that give it a real impressiveness? I do not know about that. I do not think it would mean a bit more to me, if I saw a picture was labeled "Passed by the national board of censorship." I do not think it would mean a bit more to me than if passed by the national. Why? I would know that the men on the national board of censorship are men who are getting paid salaries of \$3,500 a year, and this would make a business proposition of it. If I went into business, I would go into that kind of a business. The board of censorship of these gentlemen is voluntary, and I do not know that I have any choice between the two, whether I should not say the vote and the approval of a committee appointed by gentlemen who are interested in the movies is just as much valuable to me as that appointed by men who are high salaried.

Mr. TOWNER. May I ask you a question right there?

Mr. SIMON. Yes.

Mr. TOWNER. The question, you say, is—and it is a very serious question, I think all of us admit—the question is more a State and a municipal problem.

Mr. SIMON. Absolutely.

Mr. TOWNER. Yes. Now, you know, of course, that it has not quite helped us, because we do not know just exactly what you mean by that. You would be, I think, from your statement, opposed to a State censorship, would you not?

Mr. SIMON. No; I would rather favor municipal censorship.

Mr. TOWNER. That is what I would suppose. Then you do not mean State censorship as a substitute?

Mr. SIMON. No; I prefer municipal censorship and would only yield to State if I were whipped into it, and I am inclined to believe

that the passing of the national censorship bill is going to compel every State in this country to have a State board of censorship as a protest.

Mr. TOWNER. That is what I am trying to get at. Your idea would be that the standards of morals in each county——

Mr. SIMON (interposing). Are absolutely different.

Mr. TOWNER. I did not quite finish.

Mr. SIMON. I beg your pardon.

Mr. TOWNER. You believe that the standard of morals in each separate municipality or community ought to determine what should be done in that community?

Mr. SIMON. Yes, sir.

Mr. TOWNER. That is all right.

Mr. SEARS. You say this national board of censors served without pay. Are you connected with it in any way?

Mr. SIMON. Oh, no, no; except that I remember making this statement, and I was raising a howl against the pictures, and I was told at the time that the members are nonsalaried men.

Mr. SEARS. But you do not know anything further than that?

Mr. SIMON. No; only rumor.

Mr. SEARS. How many pictures do you see on an average?

Mr. SIMON. I could not say. I suppose I would be safe in saying that I go at least once a week.

Mr. ABERCROMBIE. Do you believe in municipal censorship?

Mr. SIMON. Yes, sir.

Mr. ABERCROMBIE. Do you mean censorship before the pictures are exhibited?

Mr. SIMON. Decidedly. But I do not believe in a censorship by the police department.

Mr. ABERCROMBIE. You are not in accord on that subject?

Mr. SIMON. No; I believe that the censorship should be a part of the board of education of the community.

The CHAIRMAN. Your time is up.

**STATEMENT OF REV. WILLIAM SHEAFE CHASE, CHAIRMAN OF THE SOCIAL SERVICE COMMITTEE OF THE PROTESTANT EPISCOPAL CHURCH OF THE DIOCESE OF LONG ISLAND, THE VICE PRESIDENT OF THE NEW YORK SOCIETY FOR THE PREVENTION OF CRIME, AND PRESIDENT OF THE NEW YORK CIVIC LEAGUE.**

Dr. CHASE. My name is Rev. William Sheafe Chase, the chairman of the social service committee of the Protestant Episcopal Church of the diocese of Long Island, the vice president of the New York Society for the Prevention of Crime, and the President of the New York Civic League. I appear representing the wishes of each of these three organizations and appreciate very deeply the privilege, after a year and a half, of appearing before this committee again. You seem to me as ministers of God appointed here to represent the people and to represent God, in finding out what is the best way for the people of the United States to deal with this problem. It is your privilege to protect the children of our land in great peril.

We are just told that about 10 per cent of the children who visited the motion pictures—I asked Mr. Binder the age of the children, and

he said he thought under 12. I venture to say that if we raised the age of the children to what I would call children—say, 16—that he would find nearly 40 per cent, at least 33 per cent, of the audiences are children; and as it is the duty of Congress to protect its forests, and its coasts, and its material wealth, so, above all, it is your duty and privilege to protect the children of our land.

I would like in the first part of what I say to-night to reply to some of the things that were said by Mr. Binder, taking some of the points up that he made here as evidence that there will be no decrease in local censorship and the State censorship effected by this bill. Mr. Binder announces that two governors have said that the State censorship law in those States will not be repealed until they see how the Federal law works, and that if these State laws are not repealed this Federal law will not override the State censorship laws. Could any have expected these governors to say anything else? I appear here as the friend of the motion-picture interests. They do not regard me such, and yet what has been said here to-night shows plainly that there are some motion-picture people who agree with the stand that I am taking to-night. This Mr. Neff, of Ohio, who was the cause of the State censorship in Ohio, was an exhibitor and a motion-picture man. This man from Pennsylvania, who controlled the legislature and the morals of Pennsylvania, was a motion-picture exhibitor.

Mr. BUSH. Pardon me, I did not say that. He represented—  
The CHAIRMAN. Do you yield for a question?

Dr. CHASE. I think Mr. Bush will probably be here to-morrow night, and I prefer not to be interrupted now.

The CHAIRMAN. The gentleman objects to being interrupted.

Dr. CHASE. I did not say a word while my opponents were talking. There are a great many things I would like to say. I do not feel that I can give any of my time to my opponents, but I will say that I will be very glad, if there are any questions asked by the committee, to answer them at any time.

Also I appear here representing the better part of the motion-picture industry, as I understand it. The Paramount motion picture was mentioned here to-night. I do not think that you will find a Paramount picture man opposing this bill. I do not think you have had anybody representing them here. I recall that the president of the Paramount picture concern recently in a paper said that—I am not quoting exactly; I hope I may be able to get the article, but this is the effect of it—that it is possible to-day for motion-picture men who want to produce obscene and bad pictures to make a fortune by so doing. Those who are producing the best motion pictures to-day realize that their great enemy is the fly-by-night concern, the unscrupulous concern, that is producing bad pictures to lower the tone of the trade, and also the confidence of the people in those pictures. I stand here, and those associated with me, to protect the motion-picture industry from the greatest danger that confronts them.

The opponents of this bill are not so much afraid of evil pictures as they are of Federal censorship. I would like to lead these motion-picture men who are listening here to-night to realize that their fear ought to be of these rascals who are degrading their business rather than the men who will be on the Federal motion picture commission.

Men were afraid of the Interstate Commerce Commission. When the interstate-commerce act was being debated, railroad men had all sorts of fears about it. To-day the railroads and the large interests that were afraid of it have lost that fear. There were bankers all over this country who were afraid of the Federal reserve bank, tremendously timid about it, and thought it was going to ruin their business. I do not think that you will find that same fear to-day.

Now, what is this fear and objection to preexhibition, prepublicity inspection of films? If I knew you were about to do something that was wrong, and I was your friend, would you not think I was doing a pretty mean thing if I should wait until you did it and then come and have you arrested and taken before a judge? Wouldn't it be a good deal more friendly for me to come to you personally and say, "Look here, this thing which you are about to do is wrong; stop it right now before it goes any farther." Why do you object to having what you propose to show to the public criticized by the most intelligent and most competent judges that can be found in the community by the best-intentioned men? Why do you object to it? Why do you prefer to be dragged into court and go to the expense of a defense in the court? Why is it that you want to be permitted to sin and injure the public before you are brought under control? It can not be, can it, that you really want to do the wrong thing and escape punishment? Is that it? And that you think the police courts and the policemen would be inefficient, and you are asking for something that would be inefficient in controlling your business. When it comes right down to the ethics of it, is it this, that you do not want to obey any superior authority? Every man has resentment against any control. Big business, which is evil in heart, wants to do just as it pleases. It does not want anybody to criticize it, anybody to control it. But if it has the right spirit, it wants to obey the highest law of righteousness, and is willing to make sacrifices to bring that about.

Mr. POWERS. May I interrupt you just at that point?

Dr. CHASE. Yes.

Mr. POWERS. Section 5 of this bill tests out this, in part, that this commission shall issue—I will just read it:

That the commission will license every film submitted to it and intended for entrance into interstate commerce unless it finds that such film is obscene, indecent, immoral, inhuman, or depicts a bull fight or a prize fight, or is of such a character—

Note the language—

that its exhibition would tend to impair the health or corrupt the morals of children or adults or excite to crime.

Now, then, this commission of five, with arbitrary powers, and from whose decision virtually there is no relief, sets itself up as a guide for the morals of the entire country, adults as well as children. Now, do you believe that any five men, whether in a commission or not in a commission, should set themselves up as the sponsors of what should be shown to the adult population all over this country, this entire country, throughout all the States of this great Union?

Dr. CHASE. Well, there are a great many points involved in your question, Mr. Powers. In order to answer you I will have to explain

various things. In the first place, these five men do not set themselves up; they are set up by the law.

Mr. POWERS. Well, they are given the power in this bill if it passes, and they are the ones to decide upon what is fit and unfit, and what will do and what will not do, and it is an arbitrary decision, and from that decision there is virtually no relief.

Dr. CHASE. I want to speak the right to appeal, and I will take this time to do it. In the original bill there was a provision for an appeal, and it is our desire and understanding that there is an appeal. The appeal, as I understand it, would be taken to the courts upon the claim that the commission had exceeded its powers.

Mr. POWERS. It could not possibly be taken to the courts, Doctor, because the three departments of Government are equal in power, and you can not go to the courts from the decisions of any of the heads of any of these departments.

Dr. CHASE. Judge Towner, I think, at the hearing a year and a half ago, said he thought I was right in the idea that if the proposed commission exceed its power, that the matter could be carried into the United States district court, and I have not taken that up. I would say very plainly that I think there ought to be an appeal, and it was only omitted from the bill under the understanding—I remember we discussed it with Mr. Hughes—I think that there would be an appeal to the courts in any State. It is different in the United States Government.

Mr. POWERS. There can be no appeal, Doctor, as I understand the law, from a decision of the head of any of these departments of Government here to the courts.

Dr. CHASE. But if a man exceeds his authority—

Mr. POWERS (interposing). If he does?

Dr. CHASE (continuing). Can not some one go to the court and ask for an injunction to restrain him?

Mr. POWERS. You can not; because the three departments are equal in power and importance, and you can not put one of them up to say what the other ones shall do or shall not do.

Mr. TOWNER. My colleague does not mean to say that there would be no appeal from this board?

Mr. POWERS. Perhaps to the Secretary of the Interior.

Mr. TOWNER. Perhaps to the Commissioner of Education and from that to the Secretary of the Interior.

The CHAIRMAN. Do you not think that those questions—we are just taking up this bill for enlightenment and information—those pertinent questions would come before the committee for amendment?

Mr. POWERS. We were trying to get all the light we could. These men are here for the purpose of enlightening us, and if they can enlighten us on this question I would like to know something about it.

Dr. CHASE. That is the point; I thought there would be an appeal to the higher authorities, and I do not yet quite understand the force of what you say about there being three departments, because in New York State, or, for instance, in Chicago, I know that when the board of censors there disapproved of a certain film that they went to the courts and said that the commissioner had exceeded his authority, and the courts put an injunction to compel the showing of that picture. Now, I thought that in the United States courts it would be

the same thing, but I am not a lawyer and I may be in error in that matter.

Mr. POWERS. I think you are correct in that proposition, Dr. Chase. I would not put myself up as an arbiter on that matter.

Dr. CHASE. Are you a lawyer?

Mr. POWERS. Yes, sir.

Dr. CHASE. You have the advantage of me in that respect.

Now, those were two of the points which I wanted to mention. What was the further point that you made?

Mr. POWERS. These five men were to be the censors of the morals of the entire country—children and adults.

Mr. CHASE. There are two points that I want to speak of there. First, as to what a censor is. There are two definitions of a censor. One is a Roman censor, who had the power given by the Government to say who shall vote, to punish vice, and exercise an arbitrary authority, without any appeal; and then there is the English idea of the censor, which is a licenser; that is, he gives a license. The licensing power of Congress is a growing power that is being more and more used and found necessary to protect the public from various kinds of dangers of which the individual has not enough knowledge, power, and authority to protect himself. For instance, you license the physician. There ought to be a certain guaranty that he is qualified to do his work, because the ordinary person can not tell a good doctor from a bad one. A chauffeur has to be licensed. A man who sells medicines has to be licensed. There are various things. Food now has to be inspected. The pure-food law requires inspection of certain foods, because the public can not tell whether food is infected or adulterated or not.

Now, a licenser is one who is fitted by his education and training and given power by the Government to determine the facts. The law explains the principles which are to guide, and then the administration officer is given the power to inspect. All these things which we have been discussing to-night, and the arguments that Mr. Bush has made to-night, have all been thrashed out and answered by the United States district courts and by the Supreme Court of the United States. I would like to have the full report of the court decisions inserted in the report of these hearings, if possible—if you are willing to put it there, the cases that bear upon this question—*Mutual Film Corporation, of Missouri, v. Hodges, Governor of Kansas*, 236 U. S., 248-258; Appeal from District Court of the United States for the District of Kansas (not reported); *Mutual Film Corporation v. Industrial Commission of Ohio*, 236 U. S., 230-248; Appeal from District Court of the United States for Northern District of Ohio, 215 Fed. Rep., 138-149.

In Ohio the Mutual Film Co. brought a case, which was tried in the northern district circuit court. The judges met all the arguments of the motion-picture lawyers and said that they were not well taken, and affirmed unanimously the validity of the Ohio law. Then it was carried to the Supreme Court, and the Supreme Court of the United States, after discussing it, unanimously agreed that all of these arguments which have been heard here to-night did not carry sufficient weight. In Kansas the State-censorship law was objected to. The motion-picture lawyers first got an injunction against it and tried to

prevent its going into operation. The circuit court in Kansas affirmed the validity of the law, and replied to all these objections which are brought here to-night. Then that was carried to the Supreme Court of the United States, and the Supreme Court of the United States reaffirmed the validity of the State-censorship law.

So that, while one of the speakers to-night asserted that the great principles of the freedom of the press and of personal liberty are contrary to censorship of motion pictures, the United States Supreme Court says, after considering this claim:

The first impulse of the mind is to reject the contention. We immediately feel that the argument is wrong or strained which extends the guaranty of free opinion and speech to the multitudinous shows which are advertised on the billboards of our cities and towns.

The court then adds:

The judicial sense, supporting the common sense of the country, is against the contention.

In the case in which the United States Supreme Court decided the Kansas censorship was legal it referred to the arguments in the Ohio case and said:

We need not therefore repeat the reasoning. It establishes that both statutes are valid exercises of the police power of the States and are not amenable to the objections urged against them; that is, do not interfere with interstate commerce nor abridge the liberty of opinion, nor are they delegations of legislative power to administrative officers.

and the freedom of the press, which applies to the newspaper, ought to in some way apply to the motion picture. The Supreme Court of the United States unanimously considers that proposition, and then it says—

Mr. SEARS. What case is that? Put it into the record.

Dr. CHASE. There are three decisions, two in 236 United States, beginning on pages 230 and 248, and one case in 215 Federal Reporter, page 138. What I would like is to have the three decisions, with the arguments on both sides, placed in the record. This pamphlet which I have placed in your possession, entitled "The Great Debate," has both sides of the argument. It is the debate which was conducted in the motion-picture magazine for three months between the president of the General Film Co. and myself. Now, you have both sides in this matter, and it seems to me that our friends can not object to having both sides printed in the record as presented in the decisions of the Supreme Court of the United States.

The CHAIRMAN. You have a right to file a brief.

Mr. ABERCROMBIE. Those are reports of the Supreme Court of the United States, and they are printed, I understand.

Dr. CHASE. I understand the Members of Congress have opportunity to read these hearings, and perhaps they would not go to the trouble to look at Supreme Court decisions, and that is why I was asking that it be incorporated into your record.

Mr. ABERCROMBIE. I do not think they are going to the trouble to read it.

Dr. CHASE. I thought the Members of Congress, having this bill before them, would be interested to see how the question of censorship was thrashed out in Ohio and in Kansas, and then having the decision of the Supreme Court of the United States, their doubts would disappear.

Seventy aldermen in New York City voted for municipal censorship, and Mayor Gaynor vetoed it on the ground that it was against the freedom of the press. The Supreme Court has settled that question once and for all contrary to the judge's opinion.

The differences between the still picture and the motion picture are numerous. One was brought out by Congressman Fess in that the power for evil is so much greater. A man who made a business of advertising wrote me once a letter which I shall always remember. He said that he had thought of leaving the advertising business and giving his services to the public to prevent the evil of public pictures. A child is more injured by a picture than he is by a book. You put a bad book in circulation in a community; it will take a long time before the children under 12 are injured by it. But you put a bad picture on a billboard and in five hours almost every child in that community knows about it and is injured by it.

The motion picture has even greater influence for good or evil because of the vividness of the effect which it produces. Then, another thing, where Congressman Powers will see a difference between the newspaper and the motion picture. If a newspaper does slander you, you have a copy of it, and you can go to the court and sue, and it is incontestable that they have said what is printed; but you see a motion picture and what are you going to do about it? You may not have any witnesses. How can you prove that the picture is bad if you can not produce it? You may have to bring the jury down to see it. The objectionable part of the film may be cut out before you can carry it into court.

I have had personal difficulty which makes me realize this. I do not want to reflect on the motion-picture men here in connection with this story, but it does reflect somewhat on them. A certain motion-picture manufacturer asked me if I would allow my picture to be taken.

He said the story was to show how the East Side in New York was redeemed, and how boys in bad life were going to be lifted up. He said that Mayor Gaynor and District Attorney Whitman, and one or two other men had consented to have their pictures appear in it. I finally said, "Tell me the story," and as I listened to the story I said, "That sounds a little bit suspicious." He said, "I will promise you that I will not show that picture with your picture in it unless you have first seen it and given your approval." So I said, "All right, if you will make that promise, go ahead." My picture was taken in front of my church, and I heard nothing more about it until a lady friend of mine came and said to me, "Do you know your picture is appearing in a perfectly horrible play?" And I said, "No; what is it?" She said, "In the Gunmen of New York." Well, I suppose that they thought that the dominie had been caught. I called the man up, and he said he had been so busy that he had not had time to show me the picture, but he would do so. After that I made five or six appointments with him, and I could never see the film. I tried in vain to get hold of that picture. I heard of it in Virginia, and in Massachusetts, in Salem, and then all over this country. How could one exterminate that picture? If it was a newspaper article I would be able to stop it, and if it was slander I would be able at least to have the satisfaction of entering

a protest. This is the first chance I have ever had to get back at that man.

Mr. BINDER. Is he here?

Dr. CHASE. No, sir; he is not here, I am sure.

Mr. POWERS. Why don't you bring a suit against him?

Dr. CHASE. I do not know where the man is; I think he has disappeared by this time. I do not think a man like that could live very long. I suppose some these men know who he is.

Mr. BUSH. What company?

Dr. CHASE. He is the same man who took the pictures of that girl Beulah.

Mr. BINDER. Beulah Binford?

Dr. CHASE. Beulah Binford, whose motion pictures Mayor Gaynor refused to have shown in New York City.

Mr. FESS. I overheard a remark at the Raleigh Hotel, that if this committee would pass this bill that there would be a moving picture of them, of this committee.

Dr. CHASE. I understand that a clergyman of my own church appeared before the committee and said that this bill was un-American. I would like to reply to that line of argument. He also said, if it has been rightly reported to me, that it was contrary to the progress of history and was reactionary.

Now, I would like to make this plain. In the old days power was held by the kings, by the emperor, by the supreme person, and all progress was made by taking arbitrary power from the kings. This country changed the history of the world, by locating that power in the people, and progress now grows by giving the people more and more power, and preventing selfish individuals from taking that power and dissipating that power of the people.

Personal liberty is secured through law. How can the people of this whole country have personal liberty? Only by law. The law which establishes liberty for the many may restrain a few individuals. The personal liberty of a few men may be restrained, but that law promotes personal liberty, and it is only by law that the liberty of children to attend pure and enobling amusements can be established. The man who takes now the place of the old king or the old emperor who had arbitrary authority in robbing the people of their rights in order to enhance his own position is the head of the invisible government or the big business which makes money by trampling upon the rights of the people and conducts its activities without any reference to the welfare of the people. The man who is the same as the monarch in ancient times is not the President of the United States; he is not the policeman; he is not the bishop; he is the man who claims that he has a right to run his business as he pleases and to injure the people, to break the laws of the country, in order to increase his profits.

Now, this Smith-Hughes law is progressive. It is not reactionary. New occasions make new duties. "Times make ancient good uncouth." We must have new laws to meet new conditions. The submarine, the airship, and the various inventions compel new additions to international law. The wireless, the automobile, the various inventions make new conditions, and we have to meet those situations. Here is a new condition with reference to the childhood of our country, a new danger that confronts them, and we come, representing

the will of the whole people, and ask you to appoint a few men to carry out the will of the whole people in order that the good of the whole people may be secured, and what do they say? They say that is arbitrary, that is going back to the old times. Who do they propose ought to have control of this great invention? Who are going to be the people, if this bill is not enacted, who will educate the children of our lands? A few motion-picture manufacturers, whose principal motive is making money. They are the censors to-day of motion pictures, they are the people that control it.

Mr. POWERS, is it better to have five men who represent the moral life of our whole people to pass on the pictures or five men representing these motion-picture manufacturers?

Mr. POWERS. One question, Doctor.

Dr. CHASE. Yes, sir.

Mr. POWERS. You have made a statement that the manufacturers of these films now do the censoring of the films?

Dr. CHASE. Yes, sir.

Mr. POWERS. It has been brought out here in these hearing, and last year, too, that these 225 men that do this censoring up there for this New York censorship receive no salaries at all.

Dr. CHASE. I do not consider those men to be censors; that is a fake.

Mr. POWERS. I want to go into that—that they receive no salaries at all. It is a mere voluntary association, and that they do not owe their positions which they now occupy in any sense to the manufacturers of these films. The manufacturers of these films could not discharge them from the positions that they now hold. They get no money from their positions at all, and they are the only ones that have the power to pass upon these films. Now, what do you know about that?

Dr. CHASE. I am very glad that you brought that question out, Mr. Powers, because we only want the truth and the facts in this case.

Mr. POWERS. That is what we want.

Dr. CHASE. And if I say anything that is not true, these people are here and they will not let it pass.

I think instead of 225 there are about 120 or 140, and those 140 have an executive committee. That executive committee has a small number; I have forgotten—say 5—that control the 120 who are invited. They have the power of hiring secretaries. I think there are five secretaries that are paid salaries from \$2,500 down to \$1,200 a year, and the salaries of the working force are paid by the manufacturing people. These 120 people are divided into eight subcommittees. That makes a committee of about 12. They meet once or twice a week and pass on the pictures. I find that the pamphlet issued by the board on October 1, 1915, gives the number of the censoring committee as 125 and the additional persons on the general committee as 32.

Mr. POWERS. Now, do these secretaries pass on these pictures?

Dr. CHASE. They say no.

Mr. POWERS. What do you say? What proof have you got?

Dr. CHASE. What I think is this: I am not there and I do not know.

Mr. BUSH. We know.

Dr. CHASE. I was invited to go on this censorship board in 1908 or 1909, somewhere along there, and I asked two personal questions. I said, "Is there any assurance that all the pictures in the country will be brought before this commission?" "No." "Is there any way of forcing the manufacturers to accept the decisions of this board?" "No." Then I said, "I do not care to have my name used as a cat's-paw to give a respectability to pictures over which I can have no real control."

Mr. POWERS. They say the same thing here, that there is one company that does not submit its films to these people, and that is never appealed to, but that 99 per cent of the entire producing industry does it.

Dr. CHASE. That one picture of my own that I am interested in did not get it, and I believe that those figures—I have no means of disputing the figures—but I think that you had better take them with a grain of salt, if they say that 99 per cent are brought before them.

Mr. BUSH. They are not paid?

Dr. CHASE. They are not paid, but the five men who have the most power are paid, and these 120 men—one of them is Mr. Gompers, who wrote here—some of them do not go at all, but suppose the committee of 12 of busy men and women who are fine people, whom I would not criticize, all the year through have the duty of going once or twice a week, you can imagine how many of those people will go, and you can imagine what will happen if those secretaries want a picture of a certain kind to be passed. You can imagine that there must be a difference between those committees, and if the secretaries want to pass a certain picture, that there is an opportunity for them to send it to the committee which will be most likely to pass it.

Mr. POWERS. But they say that the secretaries have no voice at all, and if there is a difference in the committee, if there is a difference of opinion as to whether or not the picture ought to go before the public, they have the right to appeal—

Dr. CHASE (interposing). They are appealed to the executive committee, and that executive committee is the real people that the motion-picture manufacturer believes in. They have a big power, that executive committee, and they have the engagement of these secretaries. The executive committee is really the moving power in that board of censorship, but my point is that they have no control; they are advisers; that is all. They advise the motion people that they think about it. There is nothing to compel the manufacturer to accept it. One of the members of the board told me that she had been present and saw a picture, and it was voted to have a certain portion eliminated. A few weeks afterwards she went to a moving-picture show and she saw the picture exhibited with the part she voted to have eliminated.

Mr. BINDER. Mr. Chairman—

The CHAIRMAN. Do you yield to Mr. Binder?

Mr. BINDER. In the interest of truth.

Dr. CHASE. I will weaken for a moment. Let us hear it.

Mr. BINDER. The appeal is not to the executive committee, but to the general committee, who serve entirely without pay. The paid

secretaries at no time and at no such proceedings have any voice as to the censorship.

Dr. CHASE. That is right.

Mr. BINDER. The Doctor made the mistake of saying the executive committee when he meant the general committee. He called the whole thing a fake.

Dr. CHASE. I say it is, because it is called the national board of censorship; and you say that you are opposed to censorship. We advocate a censorship that is the real thing; that will readily prevent evil in pictures. I am sorry to see that the opponents to the bill are in favor of that which they say is a censorship, because, in reality, it is not a censorship.

Now, in reference to public opinion, I want to present this point to the committee, and to my opponents here, that some day they are going to consider me one of the best friends of their business, because this bill is going to increase their business. The moment this bill gets before Congress it is going to have the approval of the public. When it becomes a law we are going to have motion pictures raised to a higher standard; we are then going to have the confidence of the parents of the children and an increased patronage that will make money for the moving-picture people. Let me give you my reason, a sort of precedent. They have the censorship of the stage in England since 1727. Four times in the last 60 years—in 1853, 1866, 1892, and 1909—Parliament has investigated the censorship of the stage plays. Mr. George Edwardes, a great theatrical manager, who died not so very long ago, at the parliamentary hearing in 1909 said that he had lived in France, in Germany, and in Austria, and that there is nothing like the large number of people in those countries that attend the theater as in England, and that the reason for it is because of the lower tone of the theatrical productions in those countries. He says that the patronage of the theater is larger in England and that the morality of the theater in England is cleaner than anywhere else in the world.

Now, this parliamentary committee of 1909 had before it all sorts of authors and playwrights, and I have in my study the volume which gives the report—a book about that long [indicating] and about that wide [indicating], a blue book, and about that thick [indicating]. I have read carefully that whole debate, and the curious thing about it is that the theatrical managers and the owners of the theaters are practically unanimous in favor of the censorship of the stage in England, and each of these four parliamentary committees in the last 60 years have come in with a report that they believed in the censorship of the stage, and that they recommended that no change be made.

Now, there are a great many more reasons why the motion pictures should be censored than the play. A play is different almost in every town. It depends upon the way the actors perform, and may I say in reply, just interjecting it here, that because a novel has been a great novel, and a great production with literary and psychological merit is no reason why any motion-picture representation of that novel is going to have the same effect that the book itself had. I can conceive that the Scarlet Letter put into a motion picture might have none of the spirit of Nathaniel Hawthorne, and it might give but an outline of all that is good in that book in a way which would not

delineate but would distort the beauties of the story. Yet another motion picture of the story might be made and it might be simply a splendid thing. For instance, I saw—where was it?—I think it was in the Pathé picture of Moses in the Bulrushes—

Mr. BUSH. Vitagraph.

Dr. CHASE. I hope the man who took it is not here—but the story of Pharaoh's Daughter was simply an awful picture, and yet some one might say that a board of censors had censored a classical and scriptural story.

Mr. BUSH. May I interrupt you one moment?

The CHAIRMAN. Do you permit an interruption?

Dr. CHASE. I think not.

Mr. BUSH. It is for the purpose of enlightenment.

The CHAIRMAN. The doctor refuses.

Dr. CHASE. I do not refuse to be enlightened.

The CHAIRMAN. But to be interrupted.

Dr. CHASE. I would be glad to be enlightened later.

Mr. FESS. Will you allow me to interrupt you?

Dr. CHASE. Yes.

Mr. FESS. There is fear expressed here that prejudice because of uneducated tastes might forbid the showing of a good picture that to a censor might appear not sufficient to forbid it. That is the only doubt that is in my mind upon the subject from the very start. When Mr. Bush appeared 18 months ago before this committee I told him that if I were one of the censors I probably would not be a good one, because I would be prejudiced in some things. A very clean-minded, good young man of 24 years of age, a college boy, told me to-day, speaking of the censoring, he said, "I should think that this committee could satisfy itself of the needs of censoring if they would just simply take a trip through the Capital and look at the moving pictures here." Now, that is a clean-minded young man. Is it possible that he is not prejudiced? Would improper pictures be shown right here in the Capital?

Dr. CHASE. I do not know that I quite follow you, Mr. Fess.

Mr. FESS. Well, the point with me is that a clean-minded young man that I know very well thinks that there are pictures in the Capital here that should not be shown.

Dr. CHASE. Oh, I see; on the walls—

Mr. FESS (interposing). No; moving pictures. You are confusing in your mind the Capitol, and I mean the Capital City, but he said there were pictures in the city here that should not be shown. Now, I say, if that is so, is he prejudiced or his taste not cultivated? That is the fear I had.

Dr. CHASE. Well, you mean that some people are saying that the pictures are all right here in Washington, and he is saying that they are not?

Mr. FESS. Yes, sir.

Dr. CHASE. And he is a pure man?

Mr. BINDER. Is that your point?

Mr. ABERCROMBIE. One gentleman said that there were only two bad pictures produced in this country during the past several years.

Mr. FESS. My point was whether in Washington city there are being exhibited pictures that ought not to be?

**Dr. CHASE.** Well, I would like for a moment to yield to Mr. Cooke, the editor of the Christian Civic Bulletin here in Washington, who can tell you about three pictures that he has seen. I do not know about them. I do not know Mr. Cooke; and I do not know what sort of an impression he will make with reference to the pictures that he has seen, but I have no doubt he is a pure-minded man, and he will give you his impression of what he has actually seen here in Washington.

**STATEMENT OF MR. WILBERT P. COOKE, EDITOR OF THE  
CHRISTIAN CIVIC BULLETIN.**

**Mr. COOKE.** Mr. Chairman, the pictures that I have reference to that were shown in the Capital, two of them inside of the last three weeks, and one of them I will say within the last six months. I do not know the exact dates. One of these pictures was shown the first part of last week at the Garden Theater in this city, taken from Rupert Hughes's novel, "What Will People Say?"

The other picture was shown shortly before that, and was Alice Brady in "The Rack." Now, these pictures, if I am not greatly mistaken, had the stamp on them "Passed by the national board of censorship."

**Mr. BINDER.** You are right; they were both passed.

**Mr. COOKE.** In the one picture, "The Rack," it showed a scene—if you want me to explain the scene I will.

**Mr. BINDER.** Just explain it.

The **CHAIRMAN.** Go ahead.

**Mr. COOKE.** Two men and their wives in the parlor of a hotel; one man takes the other man's wife to another hotel, to a room, indicates to the waiter that they want to be left alone. After that he goes to one side of the scene and draws a curtain aside and shows a bedroom and goes over to the lady and puts his arm around her and makes love to her and draws her to the entrance of this bedroom, when her husband and another party break into the door. Now, if there isn't an immoral suggestion in that picture as it is acted in front of people I would like to know what an immoral picture is.

**Mr. BINDER.** Is that your only objection to that picture?

**Mr. COOKE.** That is the one objection I picked out for this time. There are other objections.

The **CHAIRMAN.** I rule you are out of order, unless you get his consent to interrupt him.

**Mr. BINDER.** Excuse me; I forgot.

**Mr. COOKE.** The other picture was probably not as bad, but one of the committee here brought up the other night the point of cigarette smoking. The other picture was a lady—her part would be taken by a lady from 40 to 60 years of age—sitting at a table with a crowd of young men, playing poker, and reaching over and getting one of the young men to hand her his cigarette case, and lighting a cigarette and smoking it. Now, to grown people and adults there may be no immoral suggestions in that. The censorship is not for the benefit, I suppose, of the morals of the adult as much as it is for the morals of the children. Now, I personally

think that a child who would see that picture and would see that woman of that age, as she is represented to be, smoking a cigarette, I believe that that would make an impression upon a child.

Now, I have been, in a number of years, in a position where I could see these things, because I have been doing evangelistic work for six years, and I am also a "movey" fan, if you want to call them such. I enjoy the moving pictures, and I go to see them, and I find that some of the pictures are very good and some of these pictures, especially that one, is very rotten, if you will allow me to use the expression.

Now, some five or six months ago another picture was shown here Elinor Glyn's "Three Weeks." The novel made quite an impression over the country. A good many people have read the novel and paid several dollars to get the novel, and I suppose because the story was a very improper one. Now, when the picture came out the picture, I suppose, was just as bad as the story. I never read the story, but I have seen the picture.

Mr. BINDER. Will the gentleman allow me to ask him one question?

Mr. COOKE. Yes, sir.

Mr. BINDER. Do you know that these three pictures which you have named have been passed by the board of censors, What Will People Say? and The Rack, in Ohio and Pennsylvania, and the Elinor Glyn story, Three Weeks, in Pennsylvania?

Mr. COOKE. I do not know anything about that, sir.

Mr. BINDER. Legalized censorship?

Mr. COOKE. I can only answer the question as to the Capital. Outside of the Capital I am not saying anything, but this Three Weeks that was shown here was very improper.

Mr. FESS. Are you making that upon your own authority?

Mr. BINDER. I am making that upon the authority of Mr. Harrington, who is a Pennsylvania exhibitor.

Mr. FESS. The one you spoke of, The Wreck—

Mr. BINDER. The Rack and Three Weeks, by Elinor Glyn.

Mr. BUSH. I want to say that Three Weeks was passed by the Pennsylvania board and that the Pennsylvania board refused to stop its appearance.

The CHAIRMAN. A member of the committee desires to ask Mr. Bush a question.

Mr. BUSH. Yes, sir.

Mr. DOUGHTON. I would like to have you inform us what is the status of the business in Pennsylvania since the censorship has been established and what it was before?

Mr. BUSH. Mr. Harrington may supplement anything that I omit. The business in Pennsylvania since the introduction of censorship is—has suffered very severely, so severely, in fact, that the producers, exchange men, and exhibitors went to the legislature at Harrisburg and presented their grievances. As a result of this protest, the law was amended in two important respects. An appeal was allowed to the court of common pleas of the county where the appeal originated.

Mr. DOUGHTON. Just right there, in what respect was the law amended?

Mr. BUSH. It now allows an appeal from the board of censors to the court of common pleas of the county in which the appeal origi-

nated. The other amendment was a substantial reduction of the inspection fee upon the film. I think the reduction was something like 50 per cent or more.

The CHAIRMAN. Doctor, the time is late, but you have 25 minutes left of your time.

**STATEMENT OF REV. WILLIAM SHEAFE CHASE—Continued.**

Dr. CHASE. I do not want to hold the committee here to a late hour in order to use all of our time. I think it will only take five minutes more, if we have our time to-morrow night first, and that our opponents will be as generous with us as we tried to be with them.

I think they have failed to show us that business has been injured in Kansas and Pennsylvania and Ohio by censorship, and by that I mean that the attendance on the shows is less. I can see, in the first place, that many of the pictures previously shown may have been rejected or amended in such a way as to bring a financial loss to the manufacturers and that the owners of the pictures may not like censorship, but I think they ought to show us that the business has been injured by censorship; that is, that there have been less people going to the shows, for that is our contention, that censorship has not injured attendance at motion-picture shows.

Mr. FESS. Suppose it would reduce the number; that would not be any reason why I would vote against this, if I thought it was a good thing.

Dr. CHASE. I think you are right there. I do not think it would be final. There is one point that I did not finish. I did not finish the story about the lady who saw several different reproductions of the film exhibited with the scenes that had been ordered to be eliminated by the board of censorship. She went to the secretary of the national board of censorship and said: "They are showing the very scenes that we condemned." He said, "That can not be; that must be your imagination." And then she went around and saw the picture at four different places after that exhibited with these same objectionable parts in. Then she wrote the film company that produced it and said: "These scenes were ordered out, yet I have seen them exhibited," and they wrote back and said, "It can not be so, because we can show you that it is not so," and she said, "Could I believe my own eyes at four different places, or take the word of the film company"?

That is one of my reasons for thinking that the board is not doing effective work. But I want to say one more thing and then I will close. There are two public opinions. One is the public opinion of all the play-going people, and the other is the public opinion of the multitude of the people.

The morality of the play-going people is lower than the morality of the whole people. Yet our friends here say that the morality of the theater-going people ought to be allowed to have free rein, and do just as it pleases. Our contention is that the morality of the theater-going people ought to be brought up at least to the morality of the whole people, and the Federal board of commissioners, as authorized by this bill, has the task of seeing that the morality, as shown in any picture on the picture screen, shall not

be licensed unless its moral influence has been brought up to the morality of the whole people.

And with that I will close for this evening.

The CHAIRMAN. The hearing will continue to-morrow evening at 8 o'clock p. m.

(Thereupon the committee adjourned.)

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COMMITTEE ON EDUCATION,  
HOUSE OF REPRESENTATIVES,  
*Tuesday, January 18, 1916.*

The committee met at 8 o'clock p. m., Hon. Dudley M. Hughes (chairman) presiding.

The CHAIRMAN. The committee will come to order. I will make the same announcement that was made before: That the committee reserves the right to propound any questions to the gentlemen occupying the floor, but that time, however, which is occupied in questioning the gentleman on the floor on the part of the committee will not be taken from his time.

Mr. BINDER. Thank you.

The CHAIRMAN. And we earnestly request that no gentleman who has the floor will be interrupted without first obtaining his consent. I believe this evening Dr. Chase has the opening.

**STATEMENT OF REV. DR. WILLIAM SHEAFE CHASE, RECTOR OF  
CHRIST CHURCH, BEDFORD AVENUE, BROOKLYN, N. Y.**

Dr. CHASE. Mr. Chairman and gentlemen of the committee, I, in opening, would like to present some of the indications of popular sentiment in favor of this bill. I sent to the 36 principal cities of the country a letter to the mayors and asked them whether or not they would be in favor of the Federal motion-picture commission, and of the 36 letters that were sent, replies were received from 18. Thirteen were favorable and three were opposed. The mayor of St. Louis, Mr. Kiel, replied as follows:

Mayor Kiel, of St. Louis, writes, "In my judgment it is the duty of the Nation, of every State, and municipal government, to so regulate moving pictures as to reduce to a minimum all possibilities of corruption of the young mind." He calls attention to his recommendation of an official motion-picture commission for St. Louis, in which he said, "To a relative degree moving pictures are identified with the educational system. \* \* \* If we safeguard the children in the public schools by keeping out of their sight improper books; then we should keep out of their sight, when they attend moving-picture houses, improper suggestions by illustration. It is for these reasons that I commend legislation of this kind."

Another of the replies was from Mayor Hindley, of Spokane, Wash. He wrote:

I am certainly in favor of a Federal board of censorship, as I conceive this to be almost exclusively an interstate business. More authority in censorship is needed, and when a film is found sufficiently objectionable to be excluded from any community it ought to be excluded from all, and the only board that can make such exclusion possible would have to be clothed with Federal authority.

Favorable replies were received from Mayor Wright, of Worcester, Mass., and Mayor Jost, of Kansas City, Mo. Mayor Dahlman, of Omaha, wrote:

I think it would be a splendid thing if Congress should see fit to pass a law of that kind.

Mayor Nye, of Minneapolis, said the movement for a Federal motion-picture commission meets with his hearty approval.

Mayor Edgerton, of Rochester, N. Y., said he is heartily in favor of the proposition.

Mayor Will, of Syracuse, says he favors the law and has written the Congressman of his district urging him to support the Smith-Hughes bill.

The president of the city commission of Denver, Colo., J. M. Perkins, writes that he believes "that public morals demand the enactment of some measure which shall be effective in the elimination of bad pictures on the screen," and wrote his congressional Representative saying he favored the bill.

Mayor Stephens, of Albany, who has appointed the chief of police to censor all motion pictures shown in Albany, writes that he thinks a Federal "commission might be successful in preventing the exhibition of questionable films and thereby lighten the labors of local authorities."

Mayor Blankenburg, of Philadelphia, referred the letter to the department of public safety. Director Porter, head of that department, sent word that he "approves of the enacting of a law by Congress requiring that all motion pictures which desire to pass from one State to another be licensed by a Federal commission."

Mayor Albee, of Portland, Oreg., says:

I have written our Representatives in Congress, asking that they give their support to the measure, as I believe it is a good one.

Not being prepared for my work before this committee because of being preoccupied by my parish and other duties, I went to the committee and asked its chairman if I might examine some of the letters which had been received by the committee, to find out who are in favor of the bill. I found there and had the permission of the chairman to use the following letter from the bishop of Rhode Island, a Protestant Episcopal bishop:

PROVIDENCE, R. I., *January 14, 1916.*

THE HON. DUDLEY M. HUGHES,

*House of Representatives, Washington, D. C.*

DEAR SIR: I have received and read with much interest the motion-picture commission bill. It seems to me to meet adequately the immediate need for censorship of films, and to provide for an important step in the control of the business and education of the public in this important matter. I am convinced that the passage of the bill would meet with the enthusiastic approval of the intelligent people in New England and in all parts of the country.

Very truly, yours,

JAMES DE WOLF PERRY, Jr.

*Bishop of Rhode Island.*

Might I say at this point that when the hearing was held before Mayor Gaynor a letter was written by Cardinal Farley and read by the Hon. Eugene Philbin, now Judge Philbin, asking his honor the mayor not to veto the measure, as he and his church stood for official censorship in the city of New York.

I found also a letter from the bishop of Nebraska:

OMAHA, NEBR., *July 16, 1914.*

THE HON. DUDLEY M. HUGHES,

*House of Representatives, Washington, D. C.*

MY DEAR MR. HUGHES: Just a line to commend and to urge the passage of the Smith-Hughes bill for the regulation of motion pictures, a bill which seems

admirably adapted to protect the minds and morals of children from those motion pictures which incite to crime. I write on behalf of the Social Service Commission of the Diocese of Nebraska, and 20,000 adherents of the Episcopal Church in that State.

Faithfully, yours,

ARTHUR L. WILLIAMS,  
*Bishop of Nebraska.*

I have here also a letter from the mayor of Syracuse:

HOUSE OF REPRESENTATIVES,  
*Washington, D. C., July 17, 1914.*

HON. D. M. HUGHES,  
*Chairman Committee on Education, House of Representatives.*

MY DEAR MR. HUGHES: I take great pleasure in handing you herewith letter from my old schoolmate, Hon. Louis Will, mayor of the city of Syracuse, N. Y., relative to the matter of licensing moving-picture films. I feel quite sure you will be interested in the mayor's letter.

Yours, very respectfully,

J. R. CLANCY.

SYRACUSE, July 14, 1914.

HON. JOHN CLANCY,  
*Washington, D. C.*

DEAR JOHN: I am in favor of the Smith-Hughes bill (S. 4941, H. R. 14895), intended to censor the moving-picture films before passing from one State to the other. I believe this is a move in the right direction, for while this new form of amusement is capable of doing much good, it is also possible to do much harm and the last should be avoided by all means.

Sincerely, yours,

LOUIS WILL, *Mayor.*

(Dr. Chase also read letters from the chairman of the social service committee of the Protestant Episcopal Church in the diocese of Maryland, a representative of the national board of the Young Women's Christian Association at Chicago, the Women's Christian Temperance Union of West Virginia, and a former member of the national board of censorship.)

Just before coming to this meeting I was called up on the phone by a lady whom I know and who is well known here in Washington, and who said that a meeting was held this afternoon of the woman's department of the national civic federation, of which Mr. Seth Low is the president. They have been holding a congress here in Washington, and I was told that I was authorized to say as a result of this afternoon's meeting that the woman's department of this federation, which is representative of the whole country and which has been discussing this question for some time, has investigated this bill and authorized me to say that they desire to ask for the enactment of the bill into law.

Last night we were told by one of the opponents of this bill that the Paramount Pictures Corporation was the producer or the distributor of the best motion pictures in this country, and I remarked that they were not here opposing the Smith-Hughes bill. I find from the records of the chairman of the Committee on Education that last April a representative of the Paramount Pictures Corporation said in a letter to Mr. Hughes, the following:

NEW YORK, April 29, 1915.

HON. D. N. HUGHES,  
*Congress Hall, Danville, Ga.*

DEAR SIR: Will you please send me a copy of the Smith-Hughes censorship bill at your earliest convenience. We are anxious to investigate it from every

angle, in order that we may bring other manufacturers to adopt a definite platform in regard to censorship of motion pictures.

If it would be convenient, will you outline for us just what assurances there are that, if the bill is passed, local censorship boards will not be formed in every State, county, village, and hamlet, as it now appears they will be, and, also, that those local boards now in force, such as those in Philadelphia and Chicago, will not continue as strong as they are to-day.

The majority of motion-picture manufacturers are sincere in their desire to produce only clean films. They feel that the public is the ultimate censor, and if there is any real unanimous demand on the part of the public for censorship, they will be willing to advocate it, but, what is only natural, they desire that there should be but one board composed of men of such caliber that a fiasco, comparable to those in Pennsylvania and Illinois, would be impossible. In other words, a Federal motion-picture commission having as its members such men as those who now comprise the Interstate Commerce Commission. They feel that to be asked to pay a fee in every State and in every city in which their film is shown is not only unfair, but that should a censorship hysteria spread, as it seems well on its way to do, the cost would be absolutely prohibitive.

I am writing at this length in order to give you an idea of how a great many of us feel and so that you may be better able to give me the facts we desire.

If you are to be in New York in the near future, or if you have a representative here with whom I can make an appointment, it would be very convenient. We want to find out all we can about your bill, as we realize that you are absolutely sincere in advocating it, and that, in fact, you asked the motion-picture men to present their opinions with regard to it, and while they did not take advantage of your offer then, we are going to do so now.

Hoping to hear from you in the very near future and assuring you that we desire only what is best for the motion-picture industry, I am,

Yours, very truly,

PARAMOUNT PICTURES CORPORATION,  
TARLETON WINCHESTER.

DANVILLE, GA., May 13, 1915.

MR. TARLETON WINCHESTER,

*Paramount Pictures Corporation, New York.*

DEAR SIR: I thank you for your letter of the 29th ultimo, relative to the bill, introduced by me, providing for the creation of a Federal motion-picture commission. Illness has prevented me from replying earlier.

In accordance with your request, I am asking the superintendent of the House document room to send you a copy of the bill, H. R. 14895.

I was glad to get your letter, as I have been endeavoring to secure an expression from the motion-picture people as to the kind of a bill that would, in their opinion, meet the situation. I intend to present the bill at the next session of Congress and to urge its passage, and would like to receive any suggestions you care to make.

There is no assurance that I can give that the other commissions—State and local—will be discontinued upon the creation of a national commission. Of course, it readily follows that if the national board is efficient the necessity for local boards will be practically eliminated.

Hoping to hear from you at an early date, I am.

Very truly, yours,

(Signed) DUDLEY M. HUGHES.

P. S.—I do not expect to be in New York in the near future.

I read that to show that the attitude of the Paramount Pictures Corporation is different from those who have thus far conducted the hearings in the interest of the motion pictures, and as sustaining the point which I made last night that the best element of the motion-picture trade is not in agreement with the presentation of the opposition to the bill that has thus far been made, and that it is possible we may hear very soon something definite from the very best element of the motion-picture business with reference to the

bill which, in my opinion, will lift the whole question that is here before us to a higher plane and bring a great benediction to our country. Now, I desire to speak for a few moments—before making way for some of the speakers who are going to speak to-night—concerning the assertion that my brother clergyman, Mr. Brady, made last week in which he said that the request for this law was a movement that came from the church, and that it was a movement which indicated a return or a desire for the union of church and State, and that the church should have nothing to do with reference to politics and legislation. That gentleman was speaking in the interest of what he called progress, and he was classing men, who occupy a position like myself, as men with eyes toward the past.

I believe that absolutely the opposite is true. This country was founded at the time when the union of church and State in England was so disagreeable to the people of this country that they reacted against it to such an extreme degree that many came to think that not only was it wrong to have church and State united in having an established church, but that the church should have absolutely no relationship to the State. The church and the clergymen, they said, must not venture an opinion upon politics and legislative issues. They forgot the example of Jesus Christ when the principal political issue was presented to Him on the question of whether they should pay taxes to Cæsar; and when He said, translating it into the vernacular of our time, "Show me one of your pieces of coin," He looked at it and said: "The picture of Cæsar is there. It is perfectly clear that you are using Cæsar's money. If you are using the influence of the Roman Government to facilitate and protect your business you ought to pay the tax. There is no doubt about that. You have a duty to the Roman Government and also a duty to God."

These gentlemen also forget that on one occasion Jesus sent word to Herod, who, He was told, would like to kill Him, saying, "Go and say to that fox" so and so, giving His opinion of the ruler of that time.

I may perhaps illustrate my point a little better with a personal anecdote, if you will pardon me. One day, appearing before the legislative committee in Albany, summoned there on the question of the great gambling issue, when the gamblers had asked for a private hearing before the rules committee, the present Senator Wadsworth was then in the chair as speaker of the assembly; and a representative of the Tammany Society arose and said, when I was about to speak, "Dominie, don't you think you ought to stay at home in Brooklyn and attend to your own business and preach the Gospel in your church and let us legislators alone and not meddle with our business?" I said to the speaker: "May I have a word of explanation? It is not what I came here for and I do not know that it is germane to the question, but as the question has been raised I would like to answer it." The speaker said, "You may answer it." I said: "I come of a religion which is founded on this principle"—I hope Rabbi Simon is here to-night, because I would like to have him hear it—"on this principle: That when men begin to quarrel and eventually find a means of living harmoniously and helpfully together, that that custom is a law not only of humanity but a law of God. That ancient religion believed that God reveals Himself through the

laws of humanity and of the State." That principle became the foundation of their religion. Their judges were held to be divinely inspired; their kings were representatives of God; their prophets were the advisors of their legislators. The Hebrew nation was built up on the idea that God reveals Himself through the development of the political life. When the Great Master came He said, "I come not to destroy the law of the prophets, but to fulfill it." He came to bring the political ideal of the Jews to its perfection, and He came to proclaim Himself the King of the Jews. He was crucified because He refused to deny two claims, one that He was the Son of God, and the other that He was the King of the Jews, and the accusation that was brought against Him on the cross was that He was the King of the Jews.

He refused to be made a king. He avoided taking any political position, but he asserted the right to be an advisor of the kings and of the people upon their social and political issues. To-day the church would miss its divine commission if it should refuse to take part in the living issues of the time. The state represents things as they are; the church points to things as they ought to be. There will always be a conflict between the church and state, because the ideal of the church is always beyond that which has already been attained. But so long as the church's motive is an unselfish desire to improve the moral life she must not shrink from trying to influence the state to enact God's will into law. She will be faithless in her task of working to get God's will done in the United States as it is in heaven if she fails to use every possible means to that end, including the laws of the state. Then I turned to the speaker, the Hon. James W. Wadsworth, jr., and I said, "In view of all these things, when the State of New York is discussing a great moral question like the gambling issue and trying to find out what is best for the people of New York, it seems to me that if I am faithful to my commission as a minister of the Lord Jesus Christ, I not only have a right to be here but I have a right to be nowhere else." Then, very much to my surprise, my Tammany friend, Jimmie Oliver—you may remember him; he is now dead—said, "I think you are right, Dominie."

The Rev. Mr. Brady has the degree of LL.D., which indicates that he is a doctor of laws. The significance of a clergyman having that title is that he desires the laws of God to become the laws of men. It is wrong for him to speak as if the church has no civic mission. He, not I, is the reactionary.

Now, the fact that the church, voicing the sentiments of the moral people of this country, comes before you and asks you as the representatives of the people to protect the children of our country is not to be rejected and turned aside as an improper action on our part. It should therefore be considered the more carefully by you. Of course, we may be mistaken.

The church has the responsibility of petitioning, advising, and counseling you with reference to your work. But you have the responsibility of rejecting or accepting our advice. I trust that you will consider that our work in making this suggestion is a very proper one. May I say, also, that this bill does not come altogether from the church. The reason why I am here is not because the

church asked me, but because the motion-picture interests first asked me to conduct a debate upon the question of censorship with the head of the General Film Co. I was requested to enter the debate by a motion-picture man who said that the result of the debate might be as great as the Hayne-Webster debate. He appealed to me, in my interest of the public and interest of the children, to enter it. And so, though I am a clergyman, I have taken up this matter of Federal control of motion pictures at the request of one of the men representing the motion-picture interests.

In my opinion, one of the most foolish things that the motion-picture industry could do is to resist this movement, because if they resist it more and more censorships are going to be established in villages, towns, and cities. A bill is already drawn up in New York State, to be introduced in the legislature, providing for a State motion-picture censorship, and in order to get it through the legislature in New York it is necessary to have some financial consideration for the passage of the bill in this way: They will not have a bill which will put any more expense upon the State, and if the bill can be drawn in such a way as to get a little tax from the industry it is quite likely to go through. Therefore it seems necessary to put a small tax upon the industry in the bill. Now, what will happen if this motion-picture proposition which is before your committee is adopted? Instead of that bill going through the New York Legislature, all that will be necessary to say in a bill to be introduced in the legislature will be, "No pictures shall be shown in New York except those that have the approval of the Federal motion-picture commission." The whole expense and trouble of a State censorship in the State of New York will be eliminated by the enactment of this bill. That is true not only in one State but it is true in every other State which has a State board.

Mr. POWERS. We have no assurance at all that the States would abide by the decision of this commission and refuse to create any additional commissions or abolish those that they already have.

Dr. CHASE. We can not in the nature of the case have that assurance. Nobody could speak with authority on that.

Mr. POWERS. As a matter of fact, the three States that have those boards have sent in telegrams that this is a matter about which they will exercise their own discretion.

Mr. BINDER. And those telegrams are in the record.

Dr. CHASE. The governor of Kansas says that they would not do away with the State censorship unless the Federal commission does satisfactory work. Now, the meat of the coconut is in that. If the Federal commission should be so efficient—as efficient as the Supreme Court or the Interstate Commerce Commission, as the Paramount Picture Corporation says—and if they did absolutely good work, Kansas and Pennsylvania would revoke their State laws because they would be useless. But if the Federal board should become corrupt and open to bribes and if the censorship should be a mere farce, of course, Kansas and Pennsylvania would not revoke their laws, and you could not expect any governor to take any other attitude, could you?

Mr. POWERS. Well, the governors of all these States said that they would not be bound by what this commission might do, and that the

people in the various States have got good sense and moral stamina and judgment enough to determine what is good and what is bad for their own people.

Dr. CHASE. I would like to know if we could get the information whether the number of towns and villages and cities, which have censorship, has increased or decreased in Kansas, Ohio, and Pennsylvania since State censorship went into effect. I will pause at this point for a moment and let Mr. Barber, the superintendent of the New York Society for the Prevention of Crime, take the stand.

Mr. FESS. Doctor, before you give up the floor, have you said anything yet directly upon the suggestion of these men that this censorship would be fixing the morals of a community and that it has no function, it has not right to do that? Have you attended to that statement?

Dr. CHASE. No; I have not.

Mr. FESS. I would like to have your opinion upon that.

Dr. CHASE. I did say a word about that, but I think it was after you left last night. I would like to call your attention to the fact that this commission's only authority would be to reject such films as are contrary to the moral law of the people of this whole Nation. The old Roman principle was "Salus populi, suprema lex"—the supreme law is the welfare of the people. There is one moral law which prevails in this country which has been reached through the development and education of the people.

This commission has no authority to fix the moral standards of this country, but only authority to reject films which do not come up to the standard which now exists in this land. Of course, one city or one town may have a little different standard. The standards of one community are higher than another. One of my objections to having the censorship located in New York is that the standard—well, in New York we have the very best people and the very worst people; and the standard in New York is not, I believe, the standard that ought to be all through our country. Our little villages and towns have a very much higher standard along certain lines than New York City. This commission must be as intelligent as the Interstate Commerce Commission. Their duty is to ascertain whether each picture brought before them comes up to the moral law of the whole land.

The morality of the theater-going public is not as high as the morality of the whole people. To-day the pictures exhibited publicly are arbitrarily forced upon the people by a few people who are influenced by the morality of the theater-going public in order to attract and increase the door receipts; and we, as citizens of the United States, have a right to object to the standards of the theater-going public being thrust upon our children, 2,000,000 of them going every day to the moving pictures. It is your duty to take such action as shall prevent that code of morality from being thrust upon the children of our land in such a way as to become one of the most powerful elements in their moral training.

We have to prepare this country for the future. Preparedness is what we are talking about here to-day, and the preparedness of soul and spirit is of tremendous importance. The education of our children is of supreme importance in national preparedness. Have

we not a right to insist that the morality of the theater-going public shall be raised to the standard of the general morality of the people? Can there be any progress until we insist on that? What England has done by maintaining the censorship of the stage for the past 200 years, certainly we in American can do for the motion pictures, especially as the life of children is more influenced by motion pictures than by the regular theater.

Mr. POWERS. I fully agree with you that the morality of the rural districts is higher than that of the ordinary country town or village, and that the morality of the country town or village is higher and better than that of the city. That being true, can we not simply leave to the country towns and villages the question of what is proper and what is improper for its people to see?

Dr. CHASE. But, you see, they can not choose. The town gets what the national board of censorship sends. The exhibitor who wants pictures that are good can not get them. I know the general secretary of a Y. M. C. A. undertook in Brooklyn to have pictures every Saturday night that would be good, but they could not find the pictures which were satisfactory to them. What we are asking is this: That we have a certain standard. It is not going to be so hard as these men think. There is going to be a little trouble, possibly, at the beginning, but remember this: In the last 60 years the censor in England has only censored 97 plays. In 60 years only 97 have been rejected. Why? Because the standard is so well understood that everybody who writes, writes with a view to that standard. To-day there is practically no standard. The national board of censorship is a fake. They are simply advisors of the manufacturers. To call them censors is a misnomer. They have no official or national power. They have no power to censor. They are simply advisors to the motion picture industry. For that board to carry the standard of morals in the theaters of the city of New York, among the children of every town and village in this country is a very great injustice. We are asking that the standard of motion pictures be raised so as to be as high as that of the whole country.

Mr. FESS. What would you say to the statement that the public sense is the best censor?

Dr. CHASE. What public sense is referred to in such a statement? It is the theater-going public, and not the general public, that they are talking about when they speak of the public sense. The general public has no means of censoring pictures except through an efficient governmental agent. Mr. George Edwards, the great theatrical man of England, made the statement of which I spoke last night. He had been in France, Austria, and Germany, and he said that the reason why only a few people go to the theaters there as compared with England is because so many people find their moral sense shocked; that the theater-going public is small, and the theatrical man in order to make a living has to appeal to that small group of the theater-going public through plays which have more and more to shock their hardened minds. The general public are shocked at the low standard and absent themselves from the theater. The theater-going people get used to the low standard. "Vice is a monster of so frightful mien, as to be hated needs but to be seen; yet seen too oft, familiar with her face, we first endure, then pity, then embrace."

Now, the theater-going sentiment does not represent the public standard. The public does not know what is going on, and therefore they can not enter an effective protest.

The remedy for evil pictures as proposed by the opponents of the bill is inefficient and costly for the State. These men propose that when a bad picture is shown somebody in the audience shall go to the police and get a warrant. The police must get the picture and bring it to the court. The city has to pay the expenses of the trial, and we finally punish the exhibitor for showing the picture, which he did not produce, which he perhaps did not select, but which came to him in a circuit. For the showing of this picture he is punished. If we are going to remedy the evil of this picture effectively we will have to go into every one of the 48 States. What we are asking is that, instead of being ineffective in attempting to cure the evil, that we prevent it. Their attitude is, "Wait until we do something wrong before you say anything about it. If you see a man with a pistol in his hand or poison in a cup or about to light a match to burn the house, do not say a word, but let him do it and punish him for it afterwards."

Mr. FESS. I read in the morning papers that an actress was arrested in one of the theaters last night for having too scanty attire.

Dr. CHASE. Yes, sir.

Mr. FESS. What do you think about the proposition of censoring women's clothes?

Mr. PLATT. Before they put them on. What are you going to do about the women?

Dr. CHASE. The women are the people who are going to handle that question, and as they are soon to have the vote, I prefer to leave that matter to the women and not enter into it.

Mr. DALLINGER. When you are speaking about somebody lighting a match or shooting a gun, are you aware that the law of this country is that the courts will not enjoin or stop by equitable proceedings the commission of a crime; that you can not get an injunction against a crime?

Dr. CHASE. Absolutely so.

Mr. DALLINGER. Is not that just what you are proposing in this legislation?

Dr. CHASE. No.

Mr. DALLINGER. Well, that is an illustration which you have just used.

Dr. CHASE. No; but we are using the licensing power of the Government just as we refuse to let a film be exhibited in any motion-picture house or theater unless the fire protection has been inspected by a fire commissioner. We do not wait until the fire has burned the theater down or until the air is so bad that the people get tuberculosis, but we require that there shall be inspections of these places before we will let the people go there. We use the licensing power of the Government in order to prevent evil coming to the public rather than punish the guilty persons after the evil has occurred.

Mr. DALLINGER. Do you not consider that the licensing power that exists in every local community is ample to meet this evil?

Dr. CHASE. No.

Mr. DALLINGER. Is it not sufficient that the mayor of the city or the chief of police have the power to take the license away? If any

bad plays are shown, the whole license can be taken away for good.

Dr. CHASE. Well, but this a question of national importance. We are not dealing with a local but an interstate business. It is like the question of freight rates. That was the contention, maintained for many years, that the States should deal with freight rates and with the conditions of railroading. The final opinion, after many discussions, was that it was necessary to use the interstate-commerce power of the country in order to deal effectively with an interstate business.

Here is a great national industry. To require the courts or the police to deal with the question, to cure rather than prevent the evil, is the most expensive, inefficient, and ineffective way to deal with it. What I object to so strongly is that these men, who say they want the most moral pictures, have asked for the most ineffective way of securing them.

Mr. FESS. We might be misled by the statement of Mr. Dallinger and your answer that the crime must be committed before there is any remedy. The State can prevent a prize fight. It does not have to wait until the fight has begun to take action, and they can stop it before it has begun.

Dr. CHASE. The charter of the city of New York makes it specifically the duty of the police to prevent crime, and I am sure that I am correctly quoting from the charter.

Mr. PLATT. They do not do it.

Mr. FESS. I think we might get a wrong idea—

Dr. CHASE (interposing). You say that they do not do it. A great many criticisms are made of actions of the board of censors in Philadelphia and the conditions of the motion-picture business in Pennsylvania. Now, I do not want to reflect on the situation there, because I do not know anything about it except what my friends the enemy are saying, and I do not dare to take what they say with absolute confidence. But desire to say that if it were proved that some censors may have given foolish decisions it would not prove that there should be no censors. The fact that there happened to be one or two mayors who do not fully appreciate their duties would not prove that there should be no mayors. Because there are some inefficient, grafting policemen does not mean that it is not wise to have policemen to protect lives and property.

Mr. FESS. Doctor, I wanted to ask you another question, and I wanted to use this illustration first: When we were trying to reform the football rules for athletics there was an attempt to change the form of play in order to avoid the frequent fatality by trying to get rid of the mass play, and during the argument a good many of the college men said that if you take that element out of the play you have destroyed very largely its interest to the public. Is there anything in that? Is there anything on the shady side of life that might be inviting to the motion-picture people to get bigger audiences, or would it make the audience less?

Dr. CHASE. In the long run the great predominance of crime in the pictures, in my opinion and in the opinion of those who appeared before the parliamentary committee in England, will decrease the attendance upon these shows for this reason: That human nature is divine and that the good part of human nature is stronger than the

bad. Give it time and human nature in its divine instincts will arise and control. A motion-picture exhibitor told me a story about a boy who had come out of his moving-picture show. The manager asked him how he liked the pictures, and he said: "Fine, sir. I would rather see how to build a bridge or build a railroad than how to rob a bank." Now, the trouble with many of our motion-picture men is that they do not believe that. They believe that human nature would rather see how to rob a bank than how to build a railroad, and because also they have the wrong idea that if they furnish pictures of that kind they are going to make more money. Because motion-picture manufacturers are not safe people to intrust with the dictatorial power of saying what our 2,000,000 children are going to see every day is the reason why we feel that somebody with the power of the United States Government, representing the moral interests of the whole people, is safer to trust than the people who believe that the degrading things in life are more attractive than the uplifting things.

Mr. FESS. Then, if the bad things would bring a greater audience they would argue that the profit in the business would be in the bad pictures, and therefore they would not put on the better pictures.

Dr. CHASE. That is the foolish argument of some business men. For instance, take a big piano industry that I will not name, but it has a fine reputation and has been in existence for a great many years. Recently a change of head led the younger generation to sell a cheaper grade of piano upon which they made more profit, but little by little their reputation disappeared until their profits were at an end. Now, the immediate prospect of a few dollars this week or next week blurs their judgment so that it interferes with and injures their profits.

Mr. PLATT. As a matter of fact their business has greatly increased very suddenly.

Dr. CHASE. And, may I say this: I think their business has morally improved.

Mr. PLATT. I think that is true. Now, Dr. Chase, suppose you and I and this committee should sit down here in Washington and undertake to fix a moral standard for the people all over the United States. Do you suppose those pictures would ever attract another man out of a saloon? Don't you think they would take the saloon rather than go?

Dr. CHASE. No; I think this: That there is a certain number of people who are going to see motion pictures to-day, no matter what they see, the people who go by masses, the same people who used to go to the saloons, and they are a whole lot better off now. When they used to go to the saloons they went there not for the whisky or rum, but for the social entertainment. So that they will go to the moving pictures now, anyway.

Now, let me give you an illustration of the press to-day. The best paper, the one that has the largest circulation and the greatest influence, perhaps, is the Saturday Evening Post; it is the most interesting with the most punch and interest. It was an inspiration on the part of the proprietors to show that it is possible to have a thing that is clean and that is interesting and acceptable to a large majority of the people. I also call your attention to this fact:

That the best authors to-day are absolutely cutting out the indecent innuendos that were formerly in favor. The public taste has arisen.

Mr. PLATT. That shows there is no need of censorship because the public taste will improve and is now improving.

Dr. CHASE. There is no question that the Lord Almighty rules and things are improving, but at the same time children are being injured by the low, mean, and contemptible pictures that they see. Here are a lot of bad, indecent, corrupt things that are going on. Are you going to let your children grow up under those influences? Is it right for the United States Government to let these things go on, upon the theory that things are in the end going to be all right?

Mr. SEARS. Now, to get your view, as a layman, and answer the other question, what is your opinion as to this: Do you believe that Congress—I will not say that we are really doing it—is trying to act for the entire country, passing laws to govern the entire country to-day? That is the question. Do you believe that?

Dr. CHASE. Yes.

Mr. SEARS. Without going into it to any extent, can you file a list of pictures that you deem immoral? The opposition has charged that it is all hypothetical; that there are no facts back of your argument; that you are simply saying that pictures are indecent without giving the specific pictures. Would it be possible for you to file a list within the next seven days for the use of the committee?

Dr. CHASE. The next speaker will answer that question.

Mr. SEARS. I thought maybe you could answer it.

Dr. CHASE. Of course, we can not tell all the bad pictures that have been shown. We considered it bad judgment to mention pictures and to spend our time discussing the merits of individual pictures, because we feel that we should take our time in some other way. There is no picture but what it can be defended in some way, and it would be a profitless sort of discussion. One of the most vivid illustrations of what you want to know is this: You can send to Ohio and get the cut-outs that they have cut out of the pictures that have been approved by the national board of censorship, and then you could send to Chicago and find that 15 per cent—

Mr. SEARS (interposing). Just a moment, Doctor. It has been mentioned Virtue was censored in New York. Do you know by whom?

Mr. BINDER. In Pennsylvania.

Dr. CHASE. No; I do not.

Mr. SEARS. What I was coming to was this: Some picture was censored by the mayor of New York City, or some official.

Mr. BINDER. The commissioner of licenses.

Mr. SEARS. Is that the law of New York—that one man can censor a picture and prohibit it from being shown on the screen?

Dr. CHASE. No; the commissioner of licenses can revoke the license of a show house if it shows a bad picture.

Mr. SEARS. I was trying to find out who had that authority.

Mr. SEABURY. I would like to answer that question if the doctor will yield.

The CHAIRMAN. Will the gentleman yield?

Dr. CHASE. Yes, sir.

Mr. SEABURY. That picture was a known quantity. It has been advertised extensively, and the advertisements were distinctly of the

improper type. Commissioner Bell informed the exhibitor that if he showed that picture his license would be revoked. My information is to the effect that only a portion of one exhibition was given of that picture, so that the public morals did not sustain a very severe shock in that particular instance.

Mr. SEARS. As a matter of fact, the man who would have been punished if the picture had been continued to be shown, was the man running the theater?

Mr. SEABURY. The man who had the theater under lease and who had paid his money for the license.

Mr. SEARS. But the man who made the film would not be punished at all?

Mr. SEABURY. Not in that particular instance; no. Now, as soon as the exhibitor received that word from the mayor he obtained an injunction from the supreme court enjoining the commissioner from prohibiting the show; thereupon the commissioner took legal steps which resulted in the reversal of the ruling. After a full hearing the court said the rule was correct and the picture should not be shown, while in the State of Pennsylvania the censor, not the commissioner of licenses but the legalized censor of the State, said, "I have looked at the picture and find it should not be shown, because it is not a proper picture." Thereupon the exhibitor of the picture went to the court in Pennsylvania and the action of the board was reviewed, with the result that the court finally held that it was a perfectly proper picture. That shows the difference of opinion.

Mr. NORTH. I would like the gentleman to tell us what court that was and where it was located.

Mr. SEABURY. I am informed that it was the superior court in the county in which the city of Philadelphia is.

Mr. NORTH. The superior court in Philadelphia County?

Mr. SEABURY. That is my understanding—no, I am informed by Mr. Bush that it was the court of common pleas.

Mr. SEARS. Had the censors of Pennsylvania seen the picture that was shown in New York?

Mr. SEABURY. It was the same picture.

Mr. SEARS. Did they see the one in New York?

Mr. SEABURY. That is the point. There are many positive prints or copies of the same picture.

Mr. SEARS. How long before it was shown in Pennsylvania was it shown in New York?

Mr. SEABURY. It may have been before; it may have been simultaneous. I do not know.

Dr. CHASE. Was the whole picture shown in the case of *The Birth of a Nation*? I have been informed that it contains a portion which was eliminated when it was shown in one part of the country, and it put back when it is shown in another part of the country. The picture might be approved in one State with that objectionable part taken out and disapproved in another State where it was left in.

Mr. PLATT. That is an argument against national censorship for the whole country as proposed by this bill. A part of that picture would be distasteful in Boston and might not be distasteful in Washington. That is no reason why Washington should fix a standard for Boston.

Dr. CHASE. You did not follow the argument that I made when I began—that the spirit of home rule, local option, and regulation by separate communities ought not to be carried so far that if a certain locality believes in gambling it should be permitted to break the gambling laws of the State. If the whole State believes there should be no gambling, no particular community should carry out its own moral code. The moral code of the whole country should prevail. If one locality should decide to permit freedom of divorce contrary to the laws of the State it should not be permitted.

Mr. DALLINGER. Do you believe Congress ought to pass a national law to prohibit gambling throughout the United States?

Dr. CHASE. To deal with the Louisiana lottery they did.

Mr. DALLINGER. No; I mean to prohibit all gambling?

Dr. CHASE. No; that would exceed its power. It would not be interstate commerce.

Mr. DALLINGER. Assuming they had the power, are you in favor of it?

Dr. CHASE. I can not assume a thing that does not exist.

Mr. DALLINGER. But assume the Constitution should be so amended?

Dr. CHASE. I can not answer that question.

Mr. DALLINGER. Will you explain to me, because it puzzles me, why this national censorship should not apply to all written plays, operas, books, newspapers, etc., all of which have the same objectionable features that you claim the moving-picture films have?

Dr. CHASE. That brings up a point that I have been trying to explain.

I want to call your attention to the fact that all pictures are not necessarily, by the provisions of this bill, to be censored. It only applies to pictures which are to be shown in places of amusement for pay or in connection with business. It does not say that you can not take a motion picture of your family and show it to your friends. It simply says that if you should undertake to transport it into the next State and show it in houses for pay, or in a licensed place of amusement, that you would have to get a license.

Now, let me make a comparison between books and pictures. Books are published without any censorship and without any supervision moral code”?

Mr. DALLINGER. What do you mean by that—“except the general moral code.”

Dr. CHASE. I say that the general moral law is enforced in a way now with reference to the motion pictures. Take the public libraries of this country. There is practically no public library that does not have a committee to examine books before they are placed in the library. The State might have the power to say that no books should be allowed to be shown in public libraries unless they had first met the approval of the board which would be appointed for the purpose of examining the books that it was proposed to put in the library. That is practically done by the various individual communities now. The United States law provides that the Post Office Department may refuse a picture the use of the mails under certain conditions.

Now, this law does not require that all pictures should be censored, but it simply relates to a certain class of pictures which are

to be shown in certain places. I want to show you the difference between the books and the pictures and the motion pictures and the plays. As I understand it, that is what your question means?

Mr. DALLINGER. Yes; but I do not see where you have made out any difference between them.

Dr. CHASE. I have not tried to do that. What I have said is preliminary. Now, the difference between the newspaper and the motion pictures, for instance, in relation to the child, is this: How many children of 15 read about the crimes and the bad things in the newspapers as compared with the children who see the motion pictures?

Mr. DALLINGER. Have you any evidence on that point? I should think it would be a great many more.

Mr. PLATT. Ten times more.

Mr. DALLINGER. And read dime novels.

Dr. CHASE. Now, in order to be injured by a bad book or a bad newspaper, a child must be able to read, to have an imagination, and intelligence and a certain amount of knowledge in order to understand what he reads. But when he sees a picture, if he does not even understand the language of the country, if he does not have any imagination, what comes in the eye in the form of a picture is very much more powerful in its influence on the moral conduct of the child than what is read.

Mr. DALLINGER. Is it not a fact that books and newspapers have pictures?

Dr. CHASE. Yes, sir; but the motion picture differs radically from the picture in books in its effect upon children. Is not that to be considered? Is there not a difference between a play and a book? Is not what is played on the stage ten times more powerfully impressed upon the imagination of a child than what he would read in the newspapers? To see a thing acted by persons is very different from reading about it. The influence of a film is tremendous as compared with that of a book.

Mr. DALLINGER. But any particular scene is only on the screen for a moment.

Dr. CHASE. I know.

Mr. DALLINGER. Where if a picture is bad in a book or newspaper, it is there for some time and can be looked upon over and over again and dwelt upon until it gets impressed upon the mind a great deal more strongly than the motion picture.

Dr. CHASE. Yes, but, on the other hand, you can control a book. You do not need to read a bad book if you do not want to. You can put it in the waste-paper basket or do anything you like with it. But you go into a show and see a fine, pure, wholesome entertainment, and then something bad is thrown before you and you have no choice but to stay there and see the picture or to leave the theater. These few motion-picture manufacturers have the arbitrary power of putting on the screen something that you do not want to see.

Now, with reference to the difference between a play and a book, a play may differ from one town to another town. The same play may be clean in one place, and in another place, by a little innuendo, it can be changed completely. The motion picture can be changed by cutting out something, as in the case of *The Birth of a Nation*. But sometimes a picture is so bad that it can not be changed without

destroying the whole picture. Now, Mr. Dallinger, I would like to ask you kindly to read, as a member of the committee, the decision of the Supreme Court of the United States on this question that we are talking about, in 236 U. S. in two cases. The Kansas case is on pages 248-258; the Ohio case on pages 230-248. The court distinguishes between the press and the motion picture.

Mr. DALLINGER. I have not read it, but I have the reference, and I am going to read it.

Dr. CHASE. I will also refer you to a case in 215 Federal Reports of the United States, Circuit Court of Ohio, where all these questions were carefully considered and the court said that there is a great difference between the book, the picture, the newspaper, and the moving picture, and that there is ample reasoning for the distinction.

Mr. NORTH. I wanted to ask the gentleman who referred to the board of censorship in Pennsylvania how many people are on that board.

Mr. SEABURY. That is composed of three members.

Mr. NORTH. Are they all men?

Mr. SEABURY. No. One is a woman, I understand.

Mr. NORTH. Who is the lady?

Mr. SEABURY. I have not the pleasure of her acquaintance.

Mr. BINDER. Mrs. Niver.

Mr. NORTH. Is it not Mrs. Breitingner, then?

Mr. BINDER. No, sir.

Mr. CHASE. Now, Mr. Barber, the superintendent of the Society for the Prevention of Crime will answer the questions of Mr. North and Mr. Sears. I introduce Mr. Barber.

#### **STATEMENT OF MR. H. CLARK BARBER, SUPERINTENDENT OF THE SOCIETY FOR THE PREVENTION OF CRIME.**

Mr. BARBER. Mr. Chairman and gentlemen, I may be confused with the things that have been said. There have been so many things that have been said here to-night that I wanted to speak on at the moment, but I doubt if I may be able to remember them all. The first question is regarding the Pennsylvania State censorship. A few nights ago one of the committee asked the question of a gentleman from Pennsylvania how many of the pictures had been cut out in Pennsylvania, and while the gentleman knew a great many cases of reversals, he knew nothing about them. I happened to see in the child welfare bureau that day a printed statement from that board, and I tried to get the number of pictures in here at the time, but I was not allowed to speak at that time. So I stopped at Philadelphia to-day and obtained a copy of the list of subjects condemned for the period ending November 30, 1915. It gives the names of certain pictures that were condemned by the board in toto.

Mr. FESS. For how long?

Mr. BARBER. There was some new legislation passed last May, although there had been a bill passed in 1911, but no appropriation was made at that time so that it never went into effect for the lack of an appropriation until 1914 or 1915.

Mr. FESS. Do you know the entire number of pictures that were passed? You have the number condemned.

Mr. BARBER. Yes, sir.

Mr. FESS. What is the entire number passed?

Mr. BARBER. They have no printed report for this year. This is last year. This year's report is in the press now. The question was asked the other day—instead of reading this list I will ask permission to hand it to the stenographer and put it in the record.

The CHAIRMAN. That will suffice.

[Pennsylvania State board of censors.]

LIST OF SUBJECTS CONDEMNED FOR THE PERIOD ENDING NOVEMBER 30, 1915.

NOTICE.

Information contained in this pamphlet is beneficial to all exhibitors of motion pictures and to the public generally.

By mailing any information relative to the exhibition of any one of the condemned subjects mentioned herewith you will greatly oblige,

PENNSYLVANIA STATE BOARD OF CENSORS,  
JOSEPH A. BERRIER, *Chief Clerk*.

Exposure of the White Slave Traffic.  
The Suicide Club.  
Horrors of White Slavery.  
Victim of Sin; or, Damaged Goods.  
Life of Evelyn Thaw.  
Great Mysteries of New York.  
Traffic in Souls.  
Outside the Gates.  
Woored by a Wildman.  
The Bishop's Silence.  
Kreutzer Sonata.  
Shackled Souls.  
The Truth about Twilight Sleep.  
Traffickers in Souls.  
Up from the Depths.  
His Obligation.  
The Paths of Life.  
Dr. Carvel's Experiment.  
The Vivisectionist.  
Heinz's Resurrection.  
The Sewer.  
The Fire Bug.  
Tainted Blood.  
Return of Maurice Donnelly.  
Back to the Farm.  
Willard-Johnson Slides.  
The Highbinders.  
The Darkening Trail.  
True Love of the Mighty Prince.  
Spirit of the Poppy.  
The House of Bondage.  
Lights and Shadows of Chinatown.  
Damaged Goods.  
Italian-Austrian War.  
Pimple Captures the Kaiser.  
Pimple in Kilites.  
Harry K. Thaw's Fight for Freedom.  
The Cup of Chance.  
The Game.  
Freddy Losefelt from Africa.

Tainted.  
Pieces of Silver.  
Gov. Slaton and Leo Frank.  
Shadows from the Past.  
The Nihilist.  
The Strange Case of Talmal Lind.  
Winky and the Ants.  
A Mother's Heart.  
The Man on Watch.  
Struggle of the Strong; or, For All  
Eternity.  
It Was Like This.  
Strangers of Paris.  
His Daughter's Sin.  
Slaves of Morphine.  
The Apaches of Paris.  
Piercing the Veil.  
The Woman Without a Soul.  
The Flame of Passion.  
Thou Shalt Not.  
The Village Outcast.  
Breaking the Shackles.  
A Desert Honeymoon.  
Sins of the Father.  
The Great Question.  
Submarine Warfare.  
The Mix-up.  
A Woman's Past.  
A Gangster; or, Shadows of the Night.  
Jockey of Death.  
Was He Justified?  
The Last of the Mafia.  
The Devil's Darling.  
Pimples Enlists.  
The Great Mysteries of New York.  
The Dream Seekers.  
The God Within.  
A Child in Judgment.  
The Man of God.

PENNSYLVANIA STATE BOARD OF CENSORS.

Attest:

ELLIS P. OBERHOLTZER, *Secretary*.

Mr. BARBER. Now, a statement was made a few days before that as to the moving-picture interests. The moving-picture interests are not here to consider or think of the form which any legislation shall take. They are here unqualifiedly and forever opposed to any measure of any sort regulatory of their business, so far as it purports to be a preventive measure. Now, as a matter of fact, I am a little bit surprised that so much should be said at these hearings and so little that is new. I read a part of last year's hearing before this hearing came on and I read the balance of it since that time, and yet I have heard nothing substantially new on any of these subjects. The subjects that have been gone over to-night have already been gone over before. The same resistance that the chairman attempted to meet by asking suggestions from them as to the form of a bill. I asked the Pennsylvania board how many times they had been reversed by the courts and, while I am not authority for this because I relied wholly upon them, they tell me that in only two cases has the question been raised. One case was decided in favor of the board and the other case has not yet been decided. Therefore, I think that the question that was asked as to the time and place of the decision was pertinent.

Now, regarding the New York censorship board a great deal has been said, and I am going to contribute the little information that I have in connection with it. I know of at least three withdrawals from that board, and one of them was a physician, a man whose character is not excelled. He withdrew from the board because of his objections to certain pictures being overruled. Well, not wholly that, but over the matter of overruling.

A member of that board, who is now a member of the executive committee that appoints the censors and who was at that time very powerful in the board, had this conversation in connection with one picture: He stated, "I believe that everything that actually happens should be put on the screen and published." This gentleman said, "Well, do you really mean that?" And he said, "Yes." He said, "I happen to know of a case where 30 nude women came downstairs with 30 men in evening dress and cut up antics. Do you think that should be put on the screen for the public?" And the other man said, "Yes, and the sooner the public knows about it the better."

Now, if that is a sample of the controlling interest, and I do not accuse the committee of such a position, but if that is anything like the controlling interest, I think it is time that we had some other sort of censorship. One of the pictures which has been mentioned here was seen by the board several times and the producer of the picture informed me at one of the times that it was submitted for inspection that the board was ready to pass it and would have passed it if the newspapers had not made such a commotion over it. I understood from a member of the board that they would have passed it if certain things had been cut out of it, but they failed to pass it because of these reasons. That picture was afterwards shown and the producer was arrested. At the time he was indicted one or more of the people connected with the censor committee appeared before the grand jury and were very active in its behalf. In addition to that the picture as presented to the grand jury was not the picture that was shown at the time of the arrest. It was only when the district attorney raised an objection and compelled the producers to bring down the

whole picture as it was at the time of the arrest that it was obtained. That man was convicted and given a suspended sentence in consideration of his agreement to withdraw the picture.

Now, that is only an indication of the possibility of avoidance of the law when we had to wait until the harm has been done before we can tackle the problem. If we have to wait until pictures have been published broadcast before we can take any steps in connection with them, we are put in a sorry plight.

Mr. FESS. You speak of having to wait until the harm is done. How can we tell better in a trial that this is harmful than we could tell before the picture was shown that it was harmful? How are you going to determine that that picture was harmful and be more sure of it than you could have been before it occurred?

Mr. BARBER. There is no way. I see no way of determining it in the affirmative. The gentlemen on the other side would prefer to leave it to a judge or to a jury in each particular community. They prefer that to having responsible persons who had made it their business to study these matters, as, for instance, the present unofficial board of censors. I believe, as a matter of fact, that the present board of censors, given the authority of law behind them, would take steps which they do not take now. I think it is only human to say so. I believe that any board must be influenced by the fact that they have no authority and that the support of their entire work is paid for by the people they are censoring.

Mr. FESS. The general objection, and the thing that is in the minds of the committee, I think is whether a group of men would safely say what is moral and what is immoral. Now, if they could not, how are we going to get at the injury to the morals after the thing is done? Why could not you say what is moral or what is immoral as well in the form of a censorship as you can in the form of a decision?

Mr. BARBER. I see no reason why you can not.

Dr. CHASE. Would not a censorship board that has made a life work of this subject, or five or six years, like the domestic court, giving their entire attention to one thing for a long time, be better able to judge of this matter than a jury or a court to whom this matter would come as one of a number of routine questions for consideration, together with a thousand other things?

Mr. FESS. Well, we are an open-minded committee. We are not committed to any one proposition.

Mr. BARBER. I believe that the only difficulty here is not whether a board could pass upon a matter beforehand but what their standard would be. The whole bugaboo that is worrying the other side is the same thing that worries big business wherever it is attempted to regulate it, no matter where it may be, and they imagine things are going to happen to them which never occur.

Mr. POWERS. Would not it naturally worry anybody to have their business, films that cost maybe half a million dollars, placed in this situation: To get it ready to go before the country and then submit that proposition to five men here with an arbitrary power to decide right or wrong? It does not make any difference what they do about it, you have no relief from their decision. Would not that worry you?

Mr. BARBER. It would.

Mr. POWERS. Even though you were trying to produce the best pictures you could, pictures that could not hurt anybody?

Mr. BARBER. It would worry me, but it would not mean that my worry was necessarily well based. Furthermore, on the question of arbitrary decisions, I asked for no arbitrary decision. Inasmuch as that question has been raised, I believe that we should put in a provision—I do not care what sort of a provision it is—providing for an appeal.

Mr. POWERS. What kind of provision can you put in that would remedy this situation?

Mr. BARBER. A provision for an appeal either to the administrative officers or to some special board or to the courts.

Mr. POWERS. But you can not go to the courts. You can not go anywhere with it.

Mr. BARBER. Not unless you put in a special provision.

Mr. POWERS. You can not put in a special provision that will take it to the courts. All you can do is to submit this to these five men and from there they can go to the superintendent of instruction and from him an appeal would lie to the Secretary of the Interior, but you can not go to the courts with it.

Mr. BARBER. I may be wrong, but I never realized that Congress could not permit the question of possible abuse of power to be appealed to the courts.

Mr. ABERCROMBIE. Is not an appeal permissible from the decision of the Interstate Commerce Commission to the courts?

Mr. POWERS. A decision of any of these boards in these departments is a departmental decision, a political decision, and you can not review their findings in the court.

Mr. ABERCROMBIE. Will you answer the question? Is not there an appeal from the decision of the Interstate Commerce Commission to the courts? Is not that passable?

Mr. POWERS. That is a different proposition, but the Department of the Interior, the Department of Agriculture, and the other departments of the Government are political departments. You can not appeal from the Secretary of Agriculture and go to the courts on any proposition. You can not appeal from the Secretary of the Interior to the courts on any proposition.

Mr. FESS. May I ask Mr. Powers this question? Appellate jurisdiction is not fixed by the Constitution but as Congress shall decide. Now, why could not Congress provide for that appeal?

Mr. POWERS. The three departments of the Government—executive, judicial, and legislative—are equally powerful and equally supreme, and it is not in the mouth of Congress or in the power of Congress to pass a law of that character.

Mr. SEARS. Is it not a fact that the railroad companies throughout the country to-day are asking that they be given the right of appeal from the department to the courts in cases of carrying the mails by railroad?

Mr. POWERS. I do not know what they are asking, but if anybody has any decision showing that such a thing can be done, we would be glad to know it.

Mr. SEARS. Are there any decisions along this line that you know of?

Mr. POWERS. I think there are.

Mr. SEARS. Could you file them with the committee?

Mr. BARBER. I see no reason why the decision of the court on the question of morality of pictures could be any more superior than the decision of any other board that could be established in connection with this same matter. It is not material to me who shall have the appeal or who shall hear the appeal, and if there is any fear of getting injustice at the hands of one particular board without appeal I would be the first one to defend any sort of an appeal proposition that would be reasonable. There is no purpose to make anything arbitrary or censorlike, as it was in the Roman days. It is only my effort to get some sort of preventive regulation—but the “interests” will not submit to it under any circumstances.

Mr. PLATT. Mr. Crafts has a paper which he submitted to us the other day, in which he gave a letter from somebody in Virginia, showing that 75 per cent of the pictures were bad, and he proceeded to show why they were bad. Thirty-five per cent of them were bad because they showed cigarettes. Do you think a picture should be cut out because it shows cigarettes?

Mr. BARBER. That is one man's opinion.

Mr. PLATT. But do you think such a picture should be cut out?

Mr. BARBER. Well, I doubt very much whether that would be urged.

Mr. PLATT. I am afraid you are deceiving the good people all over the country, because that is what you are going to do. You are going to cut out of every picture all the drinking and shooting, no matter what the drinking is, whether it is water or not; you are going to cut out pistols and guns and everything that has any life in it. What you want to see is building railroads and bridges.

Mr. BARBER. May I ask why you think that I advocate that sort of pictures?

Mr. PLATT. That is what the people who write to me advocate, as far as I can make out.

Mr. BARBER. That is not from any word of mine.

Mr. PLATT. I think it was.

Mr. BARBER. If you will pardon me, I specifically corrected Mr. Crafts when he stated my representation of certain people which I am not representing. I represent solely the Society for the Prevention of Crime.

Mr. DALLINGER. Mr. Barber, are you opposed to moving pictures that depict crime?

Mr. BARBER. No; if you wish a categorical answer. No; but it is not absolute. I object to some crime in some ways. I do not believe that if you were to write out an answer to that—I do not know what standard the national board has, but maybe I could write out an answer, but it is difficult to answer it offhand.

Mr. DALLINGER. Do you make any distinction between what is proper in the way of books and newspapers and plays at the theater and moving pictures that are proper for grown-up people to see and those that are not proper for small children to see? Do you make any distinction?

Mr. BARBER. I think there is a marked distinction as to what is proper, but I am inclined to agree with the prominent officer of a first-class moving-picture concern who asked me to come into conference with him two or three days ago. He stated that he thought

in a large degree that would work itself out. In other words, he thought that there would come up certain pictures that people would not think of having the children see, for instance, along Broadway, on account of the character of certain places.

Mr. DALLINGER. But is not that the way it ought to work out? That is my point.

Mr. BARBER. We have no certainty that it will be worked out that way, and in the meantime we have a horrible lot of possible harm to be done to young children.

Mr. DALLINGER. The people who advocate this measure use the argument that they want to protect the children. We had some very nice ladies up here the other night, and they talked about protecting the children; they did not want to have the children see anything that shows crime or immorality or any of those things, and therefore they asked us to pass an act creating a national board of censors that will prevent all the grown-up people of the country—the great mass of poor people who can not afford to go to the theaters that are uncensored—from seeing the great majority of those things because they are harmful for children. Is that what you are asking for?

Mr. BARBER. No. That may be the view of certain individuals. I do not stand for everything that everybody says in this room. I have tried to put myself on record as not having any rigid, narrow view, or what I call "bug," on this subject. I am willing to take any action that even my opponents suggest, provided it is some kind of regulation. I would even suggest that there might be excluded from censorship the news features. I asked the Pennsylvania people about it to-day, and they said that they think possibly it might be done, from their experience. I am willing to strike out everything that can be stricken out without harm to the public interest.

Mr. DALLINGER. Are not there a lot of things in the news service that depict accidents and horrible things that might cause these little children to become hysterical, and have the nightmare, and play Indian, and things of that kind?

Mr. BARBER. I do not believe there are many things in the news service to cause little children to become hysterical or have the nightmare. I know I used to play Indian pretty well myself when I was a boy.

Mr. DALLINGER. And you grew up pretty well?

Mr. BARBER. I grew up pretty well and I lived. If you people want my personal opinion of newspapers—I think that the practical working out of it is the difficult part of it—but I think the time will come when there will be regulation of newspapers.

Mr. DALLINGER. Do you not think that the proper way to regulate this question of the children in communities where the parents have not got sense enough or are not willing to exercise their parental control or authority, who are not willing to prevent their children from going to the theaters and reading books, is that they ought to see to it that the town or city should enact ordinances to prohibit children under a certain age from going to these places—with the parents or without?

Mr. BARBER. That is the one way; but why prevent the child from going?

Mr. PLATT. Is not the moving picture harmful to the child, even if it is the best thing in the world, no matter what the pictures are?

I do not believe any children under 14 or 15 years of age ought to go to any moving pictures. Is not that an excitement.

Mr. BARBER. I do not believe I would go that far.

Mr. PLATT. Well, I think it is an excitement for them. I have seen a child go to the moving-picture show—8 or 9 years of age—and there was nothing but some boys running around, and it would be very much excited.

Mr. BARBER. I do not think there is any objection to a child getting excited. It is good for him.

Mr. PLATT. Well, they go in there and they get in the dark and in the bad air, and they ought to be kept away until they are 14 or 15 years old, whether the pictures are good or bad.

Mr. BARBER. My theory of a thing of this kind is that if the children get tired—

Mr. RUCKER. May I ask you a question?

Mr. BARBER. Yes.

Mr. RUCKER. I understand you represent the Society for the Prevention of Crime?

Mr. BARBER. I do.

Mr. RUCKER. I have heard, in the course of this debate, that the development of the moving picture entertainment had resulted in reducing the number of saloons in a great many places, and particularly in New York City. Is that so?

Mr. BARBER. You can not prove it by me.

Mr. RUCKER. You heard the statement?

Mr. BARBER. I did not hear it made as to New York City.

Mr. RUCKER. I think it was in New York City.

Mr. BARBER. I understand that the saloons in the mining districts of Pennsylvania were reduced from 4,000 to 500 in 10 years.

Mr. RUCKER. Have you also heard the statement made here that the reason the saloon went out of business was because the pictures took away their patronage and people went to the picture show rather than to the saloons? What do you say about that?

Mr. BARBER. I think there was an assertion of that kind made.

Mr. RUCKER. Well, do you know?

Mr. BARBER. No, I do not know about that, as to New York.

Mr. RUCKER. Let me ask you a further question. It is also suggested by gentlemen who are advocating your side of this question, that the picture show that had that effect was a little lower class of picture show, probably the kind of show that would be eliminated if we had this precensorship legislation. Then, if that is true, and the picture show is eliminated the saloon comes up again.

Mr. BARBER. Do you think so, necessarily?

Mr. RUCKER. No; but is it likely?

Mr. BARBER. No; I do not think so. I think attendance at moving pictures is now a public habit.

Mr. RUCKER. Do you concur in the belief, from traveling through this country, that more or less, or most of the crime in this country can be traced more or less directly back to the saloon?

Mr. BARBER. I think directly or indirectly a large amount can be.

Mr. RUCKER. Do you not think, as the head man or spokesman of a great organization, organized for the prevention of crime, that you ought to be right careful in destroying something that helps to destroy saloons which were the breeding places of crime?

Mr. BARBER. That is one of the points that I want to address myself to.

Mr. RUCKER. I am glad to hear it.

Mr. BARBER. I hear a good deal about throttling a great business, but I have yet to see a single item of proof.

Mr. RUCKER. I have heard a good deal said about bad pictures but very little proof that pictures are bad. Who determines it? Some person who has fanciful notions and who can not look upon anything without a critical eye or criticism in his mouth or mind? Must he determine for the whole universe whether or not a given picture is bad that might demoralize a whole section of our country?

Mr. BARBER. He only determines so far as his information goes.

Mr. RUCKER. That would be all that those five members of this board would do?

Mr. BARBER. Yes, sir.

Mr. RUCKER. What class of men do you suppose would constitute that board? It would not be moving-picture men, would it?

Mr. BARBER. No.

Mr. RUCKER. Well, then, who?

Mr. BARBER. I suppose it would be constituted of men whose training and experience would come to something like qualifying them for that class of work.

Mr. RUCKER. Don't you rather suspect that they would be something like clergymen who had ceased to preach?

Mr. BARBER. I do not know anything about that.

Mr. RUCKER. Or some exponents of some great society for the prevention of crime, who would bind the whole universe to pictures that he wanted to pass?

Mr. BARBER. I do not think that is a matter involved in the fundamental question of this bill. That is all a matter of practically working the proposition out. If your intimation is that that committee would be either one kind or another, I do not know what the basis for your opinion can be.

Mr. RUCKER. If you did not believe it would be one particular kind or another, you would not be here to-night, would you?

Mr. BARBER. I am taking a chance on that.

Mr. PLATT. Would you have the censorship committee elected by popular vote? Would you let the Pennsylvania miners say what kind of pictures they want?

Mr. BARBER. I think if you can get a popular vote in the United States on a censorship committee, it would be possible but not practical at all. I doubt very much whether you are asking that question seriously.

Mr. PLATT. Do you seriously mean to have a commission which represents the real effective democratic idea of the country, or do you mean to set up a standard of morals that would be away above everybody?

Mr. BARBER. My only concern would be that the committee might have a lower standard than I would think they ought to have. I think it probably would.

Mr. FESS. But if the standard of censorship in morals was away above the people, it would not be where it ought to be, would it?

Mr. BARBER. No; not practically. Theoretically it would, but practically it would not.

Mr. POWERS. May I offer a suggestion?

Mr. BARBER. Certainly.

Mr. POWERS. I am satisfied that those who are endeavoring to have this bill passed are of the opinion that pictures are occasionally shown that ought not to be shown, but we have not had anything coming before us in these hearings to show the percentage of these pictures that are being shown all over the country that ought not to be shown any where at all. There is no way of determining so far as the evidence before this committee shows, what per cent of pictures are being shown that ought not to be shown. Further than that we have nothing to go upon except the assertions of people that certain pictures are being shown that ought not to be shown.

Mr. BARBER. All you have is the representative committees.

Mr. POWERS. I would like to have something to go by, something to show the amount of these pictures that are being shown that ought not to be shown.

Mr. BARBER. I wish I had it. The information which would be required, if it is in the hands of anybody, is in the hands of the motion-picture interests, or in the hands of the national board of censorship, and even that would be a matter of opinion. If I may mention a half dozen pictures—

Mr. RUCKER (interposing). Could you agree on any one picture?

Mr. BARBER. I have not tried. There are some pictures that juries have agreed upon—

Mr. RUCKER (interposing). If you had a board consisting of five members, obviously a majority of that board would have to control?

Mr. BARBER. I presume so.

Mr. RUCKER. Hence three of them might control, and, after all, the whole country would be regulated by three men?

Mr. BARBER. It would be only partly regulated.

Mr. RUCKER. I do not believe it would be regulated at all. That would be the result of it.

Mr. BARBER. But if that standard was not what it should be the local districts would regulate it still further. If the board was the type of board that I believe the President would make it, such as the Interstate Commerce Commission, I believe that the local legislatures would not propose to abolish their boards, but would propose, such as they did in the case of the narcotic law, that the approval of the Federal board would be accepted as complying with the law of the State.

Mr. DALLINGER. Do you think that you could get men on this commission of the same type as the men on the Interstate Commerce Commission for \$3,500 a year?

Mr. BARBER. No; I believe in raising the pay.

Mr. DALLINGER. How many of the pictures in the country do you think would be determined by the five men at, say, \$5,000 a year? Is it not a matter of fact that the great majority of pictures would be censored by the assistants mentioned in section 4?

Mr. BARBER. Yes, sir.

Mr. DALLINGER. And they would be \$1,500 clerks?

Mr. BARBER. I said the price ought to be higher.

Mr. DALLINGER. Well, what would you suggest?

Mr. BARBER. The question of what you could get the proper men for I prefer to leave for somebody else more competent to decide that.

Mr. DALLINGER. What would be your idea of this: Would you be in favor of having a large salary for all of the innumerable assistants that would have to be employed to assist this board to censor pictures all over the United States? Do you realize what the salaries would be under that plan?

Mr. BARBER. I do not believe that the salaries of competent broad-minded men who composed that board and their assistants would be such an expenditure as this Government could not stand.

Mr. DALLINGER. You would be in favor of having it done, no matter what the expense was?

Mr. BARBER. Yes, sir.

Mr. DALLINGER. I would like to get some idea from you, because, of course, this bill will have to be gone over section by section by the committee—

Mr. BARBER (interposing). I should prefer that the committee should pass upon that matter themselves.

Mr. DALLINGER. But we want your ideas.

Mr. BARBER. I have none.

Mr. DALLINGER. Neither as to the salary of the commissioners or their assistants?

Mr. BARBER. I think the commissioners ought to be doubled in salary.

Mr. DALLINGER. That would be \$7,000 a year?

Mr. BARBER. Yes, sir. We ought to have a high type of men.

Mr. DALLINGER. What would be your suggestion as to what these assistants should get?

Mr. BARBER. I have no fixed figure in my mind on that.

Mr. DALLINGER. It is very important.

Mr. BARBER. If my opinion is important I will give it serious attention between now and to-morrow night.

Mr. DALLINGER. I would like to have a suggestion as to how many men it would take and how much the assistants should receive, in order that we may fix the amount. Section 4 fixes the total amount for all expenditures at \$40,000.

Mr. BARBER. May I suggest that the gentleman at the other end of table, representing the censorship board, might give that information.

Mr. RUCKER. Mr. Barber, as the head of the Society for the Prevention of Crime, what percentage of the crime of the country do you trace to the ill effects of moving-picture shows?

Mr. BARBER. I have no figures on it. The purpose of the society is not merely the study of crime.

Mr. RUCKER. I understand that.

Mr. BARBER. The society's efforts are directed toward either prosecuting cases on our own hook or doing a hundred kinds of things that may come along.

Mr. RUCKER. I understood you to say that your society is for the prevention of crime.

Mr. BARBER. Yes, sir.

Mr. RUCKER. And necessarily you look into the fountain head and try to stop it at the fountain. Have you traced any particular crime to the moving-picture shows?

Mr. BARBER. Not in any definite fashion?

Mr. RUCKER. Well, could you tell with any unerring certainty that your conclusion or diagnosis would be right? A man might commit

a crime who had been to the moving pictures, say, yesterday, and a man might commit a crime who did not go to the moving pictures.

Mr. BARBER. I have no statistics on that point. Not very much.

Mr. RUCKER. I thought perhaps you could give the committee that data, because as the head of a great association for the prevention of crime you could get it and give us some suggestions, and if it was flagrant or very great, I believe you could give us some information.

Mr. BARBER. That is not usually the work of the society.

Mr. RUCKER. You seek to prevent crime by punishing crime?

Mr. BARBER. Yes, sir.

Mr. RUCKER. Then don't you think you have plenty of work for your society if you prosecuted these moving-picture people for producing improper pictures? That would be a wide field?

Mr. BARBER. No; because there is a wide range of pictures which might be termed dangerous, which are not legally indecent or obscene, and which to attack from that standpoint would generally result in failure.

Mr. RUCKER. So that there is one class of pictures that you propose to stop that you characterize as dangerous, and another kind as immoral and indecent, I assume?

Mr. BARBER. Yes.

Mr. RUCKER. And one class that is bad for children and another that is bad for older people?

Mr. BARBER. No; there are only two classes of those, I should say.

The CHAIRMAN. Doctor, owing to the time occupied by the committee in propounding questions, you will have 10 minutes more.

Dr. CHASE. I have two speakers that I would like to present to the committee, the Rev. Dr. Walter Laidlaw, executive secretary of the Federation of Churches of New York City. He has to leave to-night so we will hear him first. I also have Miss Kate Davis, president of the International People's Aid Society. I will present Dr. Laidlaw.

**STATEMENT OF REV. DR. WALTER LAIDLAW, EXECUTIVE SECRETARY OF THE FEDERATION OF CHURCHES OF NEW YORK CITY, CLERGY CLUB, FIFTH AVENUE BUILDING, NEW YORK CITY.**

Dr. LAIDLAW. Mr. Chairman and gentlemen, let me first relate an incident in the life of a busy pastor of The Bronx, absolutely historical, but which would not probably be good to reproduce in the moving pictures, as an example of how grace ought to be said before meat. The domine was very busy and he had been at the telephone almost continuously, answering the telephone for an hour before dinner, and he was late for dinner. His wife called for him to come in, and he came in and bowed his head and said "Hello." And his wife was quick enough at the other end of the table to bob her head and say "Amen," and they went forward with the meal without any other blessing.

That incident, while historical, would not be accepted by the gentlemen on the other side as an example of how to say grace before meat. Now, it would not be worth while to listen to what I have to say in a very few minutes, for what I have to say represents simply myself, but I am here on behalf of churches on the West Side

of New York. I appear here to clear away a misimpression concerning the organization of which I am secretary. In the last year's hearing on this bill the impression was created that the federation of churches was connected with this national board of censorship in some way. We are not. We withdrew from it before it had been going two or three months, and the reason that I now give for withdrawing is the controlling reason why the national board of censorship is likely to become as effective as it might be, although I candidly admit that it has done a good deal of good.

That admission is in the form of a letter from a gentleman who was instrumental in organizing the thing, in which, after I objected to the passing of a prize-fight picture in 1909, he said, "We will have to be easy with these fellows who are going to support us, otherwise we will not get the money to carry on the job." That was one of the fundamental reasons why we withdrew.

Now, some figures have been asked for by Mr. Powers of the committee. I called up on Sunday afternoon some of our churches, which have what we call responsibility districts, that is to say, sections of the city are assigned to the churches for community-service work. I have reports from 10 churches on the west side of Manhattan, west of Central Park, between the park and the river. The pastor of the Presbyterian Church of the Good Shepherd said that he and his wife went to three shows and everything was first-class in all of them. All the reels were censored by the national board, and there was nothing objectionable in any.

There are five others who report no motion-picture shows in their section.

Here is one from a church located in a section west of Amsterdam Avenue, from One hundred and second Street down to One hundred and tenth Street. Seven places were visited, 26 reels were shown, 7 were censored by the national board and 19 were not censored. Of the 7 which were censored, in the view of these people who were just averaging people that we get—I will not say in a Baptist Church, but in a church in that part of New York on the West Side—two were judged to be bad, but of the 19 not censored by the national board 7 were bad and one was classified as so bad that it ought to be suppressed. Three hundred children attended those performance in that particular group.

Now, I am giving this simply because it reflects opinions. I want to say that in New York, at least, there is not any very great or serious objection to cigarettes, and if the gentleman at the end of the table will come into the Clergy Club when he comes to New York I would be glad to introduce him—

Mr. PLATT (interposing). I have been there.

Mr. FESS. He is from New York.

Dr. LAIDLAW. But this particular church objects to the number of drinking scenes that are exhibited, to the holdups, robberies, attempted suicides, to the women dancing on tables and kicking the ceiling, and one scene is described which scurrilized religion, and that is the one that should be suppressed.

St. Michael's Protestant Episcopal Church is known all over this country as a church of social distinction, and its rector is one of the most broad-minded men in New York. Ten reels were seen in his

section; six were censored and four were not censored. A striking thing about this report is that 8 out of the 10 deal with crime. The report is that there was only 1 of these 10 that was really, positively good. All were neutral so far as morals were concerned. Vice was usually shown as coming out of the wrong end of the horn, but the lesson was given in a very weak way. Reference was made to a lynching scene in one picture, and also to the historic fact that on the West Side of New York last winter some of the boys tried to imitate that thing and they got a fellow strung up, but fortunately he was cut down in time before any serious damage was done.

Mr. BINDER. I just want you to give the name and address in the case that you have just cited—the case of the boy who strung the other fellow up.

Dr. LAIDLAW. I do not know the name of the boy.

Mr. BINDER. Nobody ever does.

Dr. LAIDLAW. However, the gentleman is reputable. I would be very glad to find out.

Mr. BINDER. I hand you herewith my card. I am asking in good faith.

Dr. LAIDLAW. Now, I will read a letter from Mr. Orison Swett Marden, who is prominent in the Aldine Club, of New York. I spoke to him about this bill before I came here, and he wrote me this letter:

NEW YORK, January 14, 1916.

Rev. Dr. LAIDLAW,  
Clergy Club, Fifth Avenue Building,  
New York City.

MY DEAR DR. LAIDLAW: I believe there is a great work for the clergy in creating public sentiments regarding the character of moving pictures, especially the character of those which should be shown to the young.

I don't know how many mothers and fathers have tried to have me use my influence to protect children, especially in the smaller towns, from the blood-and-thunder style of pictures, where there is so much killing, shooting, stabbing, fighting, etc. Such pictures make a tremendous impression upon the plastic minds of the children. How vividly we remember the things which we saw in our childhood. They are almost as vivid to-day as when we saw them.

Every little while we hear of children coming to grief trying to imitate the things which they saw in moving pictures. Many children have been brought into children's courts on account of these pictures.

How often we see these children gathered around the bulletin boards of these moving-picture places eagerly absorbing the shooting, stabbing, and other scenes which are photographed upon the child's mind.

I have known of a number of instances where children have stolen in order to get money to see these pictures, and very many girls have been led astray through the influence of these unfortunate moving pictures.

I was recently in Staunton, Va., where my family is spending the winter. My son is in the military academy and daughter in the girls' seminary. Mrs. Marden tells me that there has scarcely been a moving-picture show in either of the theaters in months in that town of 14,000 people which she would be willing to have her children see. She says that nearly all of them have been objectionable, that type which leaves horrible impressions, pictures of fearful experiences, on the child's mind, and she says that when they have seen these they have had the nightmare in consequence.

Now, to my mind this has been a very serious side to the moving-picture business. What might be a source of wonderful education and furnish no end of innocent amusement for children is often most injurious.

If you can do anything toward prohibiting the sending of such pictures from one State to another you will render the children of this country a tremendous service.

Very sincerely, yours,

O. S. MARDEN.

I will file this letter Mr. Marden wrote.

The CHAIRMAN. Your time has expired. All time has expired on your side. Mr. Binder, you will be recognized.

Mr. POWERS, of Kentucky. Pardon me for leaving, Mr. Binder, but I will be glad to read all that you have to say.

Mr. BINDER. Thank you. I will not waste any time at all in introducing the matter which I wish to have read in the record, except to say this: That I can say with a great deal of pleasure that I know that the motion picture, in the minds of the committee to-night, has a very much higher and better standing than it had when we came into this court, if I may so call it. The motion picture of to-day is not the cheap picture of the nickelodeon that it was six or seven years ago. It has arisen to an art. Books have been written to prove that, and as an evidence of what I say is true, I will have to say that it is with peculiar pleasure that I received to-day an acceptance from the President of the United States to be our guest at the first annual dinner to be given by the Motion Picture Board of Trade which I have the honor to represent in New York City, next Thursday week in New York City. I mention this not by way of boast but simply as an evidence that an industry which merits the attendance at its annual dinner of the President of the United States, can not be the criminal thing which our friends on the other side will have us believe that our business is.

Furthermore, in this belief I am backed by the testimony which I shall ask your permission to read into the record to-night. These testimonials are editorial expressions from newspapers all over the United States. There are letters from editors asking that their protest be registered against this bill. They are from such magazines as Every Week, the Telegraph, both of New York, and the Saturday Evening Post, To-Days Magazine, the San Francisco Call, and also editorial opinions gathered from 15 newspapers throughout the country. I will not burden you by reading them but I will hand them to the stenographer and you may read them at your pleasure. But mark you, that each of these editors condemn not only this bill but the principle upon which it is offered. I also wish to read into the record telegrams of protest from 252 people covering 42 States of this country, not all of them interested in the motion-picture industry. With your permission I will hand these over to the clerk.

(The matter referred to appears at the close of this day's session.)

The CHAIRMAN. You mean those telegrams?

Mr. BINDER. I have the telegrams right here.

The CHAIRMAN. They are not cumbersome, are they?

Mr. BINDER. No, sir; they are not cumbersome. Before handing them to the clerk I want to read one extract from one editorial because it answers peculiarly one question that was brought out in reference to saloons and the motion pictures. It is taken from Every Week, and is very brief. Therefore I ask your indulgence in reading it:

A woman reader, who says she has not missed a single number of this magazine from the beginning, asks this question:

"Why do you devote so much space to motion pictures? Don't you think that the motion-picture theater is a bad influence on our young people?"

We do not need to answer this question with any opinion of our own. It has already been answered for us with facts.

R. O. Bartholomew, an experienced investigator, recently made a report to the mayor of Cleveland on the motion-picture theaters of that city in which he says:

"After having talked with many saloon keepers, one is forced to the conclusion that the motion-picture theater is to-day the greatest competitor and one of the strongest enemies of the saloon. Occasionally you meet a clergyman or an educator who criticizes the motion-picture theaters. But if you want to see the motion-picture business flayed alive and its skin hung up to dry, talk to a saloon keeper or a pool-room operator or a prize-fight promoter or the manager of a burlesque show. Or, if you speak Spanish, slip across the Mexican border and listen to the gentlemen who conduct bull fights."

If there were no other argument in favor of the motion-picture theater, we should still love it for the enemies it has made.

Mr. FESS. We all agree to that. The only question is the motion picture that is not good, the bad picture. What do you say about that?

Mr. BINDER. I do not get you.

Mr. FESS. That editor does not speak of every picture that is on the screen.

Mr. BINDER. Yes; we admit that there are pictures that are bad, but we deny that those pictures represent the motion-picture industry. We say to you that less than one-half of 1 per cent are strictly immoral. I thank God that is getting less day after day and night after night, and I am proud to say that in the destruction of that part of the industry the Motion Picture Board of Trade is as active and as zealous as any committee could be.

Mr. FESS. How can we reduce that?

Mr. BINDER. By leaving the matter not to Congress but to that evolutionary progress which is ever at work in the elimination of evil from all things. What can not be accomplished by the law of force must be left to the evolutionary process of elimination.

The CHAIRMAN. Would that apply to railroads? You know, we have the Interstate Commerce Commission, and there was a need for that commission.

Mr. BINDER. There was, undoubtedly.

The CHAIRMAN. Do you think that should be continued?

Mr. BINDER. Undoubtedly. I grant you the right to regulate my food that may poison my physical body, and to say for how much a railroad shall transport me from one place to another, and how much the railroad shall charge to transport pig iron from one place to another, and under various conditions, but I do deny you the right to say: This thought which emanates from my brain and which is mine and for which I am responsible to no one but Almighty God, who gave it to me, that this thought should be of this brand or that brand before I can utter it, always remembering that if I utter obscene or immoral language I can be punished for it after the act, not before it.

Mr. FESS. That strikes the keynote exactly. You can care for the body, and you grant to Congress that right.

Mr. BINDER. Yes, sir; absolutely.

Mr. FESS. But you are not willing to grant Congress any right to care for your morals?

Mr. BINDER. That is a matter between myself and my Maker, not between Congress and myself.

Mr. FESS. Then, why should we be permitted to punish anybody for anything?

Mr. BINDER. When the crime is committed, when you prove that the act is consummated, and not before

Mr. FESS. But you could not claim that it would interfere with your business?

Mr. BINDER. If you do this, do you know what you say to me, in effect? You say, "Binder, your whole business is immoral; every picture that the companies have made are immoral. Bring them up here and prove they are innocent."

Mr. FESS. I did not mean that.

Mr. BINDER. I know you would not, Dr. Fess, but the bill says it. It does not say bring one-tenth of 1 per cent, but it says every film that is made.

Mr. NORTH. Mr. Binder, are you in favor of maintaining the Mann white-slave bill? Do you say that is a good law or a bad law?

Mr. BINDER. That is a question. Unquestionably a great many abuses have been committed under that law, as you know.

Mr. NORTH. That is not a direct answer.

Mr. BINDER. That is my answer.

Mr. NORTH. Whether it is good or bad law?

Mr. BINDER. Yes, sir; in so far as it works to-day, yes; but in so far as it works bad, no.

Mr. NORTH. On the same principle, could not this law be carried out if it was put in force?

Mr. BINDER. What portion of the white-slave law does it affect—the body or the mind?

Mr. NORTH. I should say both, if you asked me for an answer, as far as the morals go.

Mr. BINDER. Let us suppose that I was to make up my mind, deliberately and directly, to violate the white-slave law and secure a woman and take her into another State for immoral purposes. Would you stop me at the door of the depot and say: "Binder, you look suspicious; you look like you were violating the law. We will commit you for examination as to your motives and see why you are going away." What would you say to that? You let a man go into the other State and commit a crime and your district attorney arrests me and I am tried.

Dr. CHASE. May I ask a question?

The CHAIRMAN. Will you permit a question?

Mr. BINDER. Yes, sir.

Dr. CHASE. Mr. Cocks has a few letters that he wants to put into the record.

Mr. COCKS. I want to file a list of the 225 members of the National Board of Censorship that you asked for on Saturday. There seemed to be some question about the number and Canon Chase questioned whether we had 120 or 140, or how many there were. And then I would like to read the statement of Mrs. Howard S. Gans, president of the Federation of Child Study, New York City, on what she calls parental responsibility. It is very short:

#### PARENTAL RESPONSIBILITY.

Parents have been criminally negligent in their attitude toward motion pictures. As this industry has grown in extent and in its power to amuse and entertain, it has searched widely for themes of heart interest and human

appeal. From the beginning to the present time, motion pictures have been made largely for the adult who desires to think freely about the great motives which affect life and their consequences. The motion picture has presented these things in a dramatic and vivid form resulting in molding powerfully the opinions of the American people.

The entertainments in the theaters have cost anywhere from 5 cents to 25 cents, and parents have given their children the money sufficient to attend these plays with no thought whatsoever of their influence on immature minds. It is a truism that many themes and ideas which are entirely proper for the consideration of adults are unsuited to the growing intelligence of children. It seems strange that fathers and mothers have not understood clearly these facts and used more discretion and discrimination in giving their children both the money and the permission to go to the photo-play theaters. Too many mothers have regarded this method of entertainment as an easy way of getting the child out of the house so that they might be free for visiting, shopping, housework, rest, and reading. This shirking of responsibility is largely responsible for the discussion which has arisen over the regulation of motion pictures. It is an easy thing to further shift the responsibility to political officials in the city, in the State, or at Washington. There still remains, however, the problem which is insoluble from the standpoint of one censorship for all ages. No censorship can be worked out which will reduce all pictures to the standpoint of the child and at the same time meet the demands of adults. The approach must be made in a slower and more constructive manner.

There exist at present many motion pictures which are entirely suitable for young people. As the demand increases many more can be put on the market which are drawn from stories and incidents which have a powerful appeal both for young people and their parents. The sensible and lasting method therefore of handling this situation is for persons interested in children everywhere both to create the demand and assist in furnishing the audiences for selected programs of better films for children and young people. When once the demand in a city or town is intelligently aroused by parents who think clearly, the motion-picture exhibitor and the makers of pictures will gladly respond to it by furnishing those entertainments which will delight the heart of a child and will prove in every way suitable to his growing intelligence.

Students of children recognize generally that they are intensely active, both in mind and body. They will play whether we want them to or not. They will be amused; they will think and they will learn about the facts of life from a vast variety of sources. It is also generally recognized that children should have active amusements during their leisure hours rather than passive. They should be exercising their bodies rather than cramming their minds and stimulating their emotions. They should indulge in outdoor activities and amusements rather than sit quietly indoors with many companions, simply looking at the dramatic portrayal of incidents and emotions. It is also recognized that there should be an abundance of free play, during which children should use their ingenuity in invention rather than passively responding to mass emotion and excitement.

All these things are freely acknowledged. There remain, however, a large number who from time to time desire the pleasure and change of the motion-picture theater. The film and the screen have a large appeal for all young people. This fact is demonstrated in nearly every city and town and even in remote hamlets and villages throughout the United States. As long as the price is cheap and children can easily obtain the money in this land of freedom they will go to the motion picture. The parents and those directly responsible for the welfare of children must recognize these facts and cooperate everywhere in meeting the legitimate desires of children in ways which will bring them happiness, thought, and moral safeguards.

Experience has demonstrated in a score of cities that it is impossible to satisfy the needs of children by giving them either a strictly educational entertainment or by creating the impression that the shows are antiseptic, carefully supervised, milk-and-water programs. In those places where a well-balanced program has been presented, with the emphasis placed upon the entertainment value and the fineness of the film, the plan has succeeded. In some other places it has failed. Vast fields of adventure, poetry, success against odds, history, drama, literature, heart appeal, industry, home life, comedy, child activity, etc., are open. They all lend themselves to dramatic presentation and capture the imaginations of the child in the same way that stories like *Treasure Island*, the *Jungle Books*, *Cooper's Tales*, *Tennyson's Idyls of the King*, the

Tanglewood Tales, stories of mythology, and the thrilling incidents of history hold children spellbound by the hour.

This great new force has sprung to manhood almost overnight, like Jason's Warriors. It can be used in powerful, effective, and inspiring ways only as the fathers and mothers of the land direct their thought to it and make it serve their purpose. There is no short cut or transference of responsibility. The same thought which has been given to children's plays in the theater, to the literature of youth, and to the games of childhood must be given by parents and child experts to harnessing and using this giant.

#### ORGANIZATION OF THE NATIONAL BOARD OF CENSORSHIP.

There are three main divisions of the national board of censorship.

First. The general committee, or board of directors, which acts as the governing body of the national board, formulating its general policies, adopting its standards, and acting as a court of appeal on pictures referred to it by any censoring committee unable to reach a definite conclusion and on pictures appealed by any producing company from the decisions of the censoring committee. There are 37 members on the general committee as a board of directors.

Second. The executive committee, consisting of 10 members, which are elected annually from the general committee. This committee has power to act on matters of immediate importance and is in general charge of the finances of the national board, adopting its annual budget and authorizing expenditures.

Third. The censoring committee consists of 188 members and is divided into subcommittees of from 4 to 10 members each. The average attendance at the subcommittee meetings is 4.4 members. Each subcommittee meets one morning or afternoon during the week to pass on pictures in the first instance which are submitted by the various producing companies. The members of the censoring committee are drawn from workers in the churches, settlements, schools, civic organizations, dramatic societies, recreation groups, and charitable organizations. There are also a number of mothers of children and men in active business.

Their names are proposed by a variety of individuals and organizations. They are carefully investigated to learn if they have experience with people, maturity of judgment, the judicial temperament, and the desire to serve with regularity. Each prospective member must attend three meetings and manifest ability to criticize and a willingness to express opinions. These members then are elected by the general committee after discussion.

The character of the work, with its interesting features, develops regularity of attendance. There has been an average of 91 subcommittee meetings held monthly during the past year. During December, 1915, 96 such meetings were held, each session lasting two hours.

The personnel of these committees is attached.

#### PERSONNEL OF THE GENERAL COMMITTEE.

Cranston Brenton, chairman.

Mrs. Frederick Lee Ackerman, of the League for Political Education.

Rev. Charles B. Ackley, of St. Bartholomew's Parish House.

Elbridge L. Adams, of the Hampton Association, of New York.

Matthew P. Adams, superintendent of schools, Children's Aid Society.

Miss Louise Brooks, secretary for student conferences of the national board of Young Women's Christian Association.

William P. Capes, director of the State bureau of municipal information of the New York State Conference of Mayors and other City Officials.

Miss Martha Draper, member of the Board of Education of New York City.

W. W. Ellsworth, of the Century Co.

Robert E. Ely, director of the League for Political Education.

Ralph Folks, commissioner of public works.

Miss Mary Louise Fynes, of the Barat Settlement.

Mrs. Howard S. Gans, of the Federation for Child Study.

James Shelley Hamilton, dramatic critic.

Lee F. Hanmer, director of the department of recreation of the Russell Sage Foundation.

Dr. Frederic C. Howe, commissioner of immigration, port of New York.

P. F. Jerome, of the Laity League for Social Service.

Bascom Johnson, of the American Social Hygiene Association.

Raymond P. Kaighn, of the educational department of the international committee of the Young Men's Christian Association.

Orlando F. Lewis, general secretary of Prison Association of New York.

Dr. Charles S. Macfarland, general secretary Federal Council of Churches of Christ in America.

E. A. Moree, extension and publicity director of the State Charities Aid Association.

William J. Morris, of the Graduates' Club.

Dr. Henry S. Oppenheimer, member of Charity Organization Society.

J. K. Paulding, secretary of Bellevue and Allied Hospitals.

W. Frank Persons, director of the Charity Organization Society.

R. S. Pigott, of the Music League of America.

Joseph M. Price, member of the City Club of New York.

Mrs. Miriam Sutro Price, of the Public Education Association.

Jonathan Rawson, executive secretary of the Association for Improving the Condition of the Poor.

Mrs. Josephine Redding, member of the Messiah Social Service League.

Louis Rouillion, director of the Mechanics' Institute.

Lester F. Scott, assistant director of the People's Institute.

Albert Shiels, director of the department of research of the Board of Education of New York City.

Dr. J. P. Warbasse, trustee of the People's Institute.

Mrs. J. N. Whaley, of New York City.

Mr. Edwin Trowbridge Hall, chairman of the board of directors of the Boys' Club, New York City.

#### PERSONNEL OF THE EXECUTIVE COMMITTEE.

Cranston Brenton, chairman.

Mrs. Frederick Lee Ackerman.

Matthew P. Adams.

Ralph Folks.

Edwin Trowbridge Hall.

Mrs. Miriam Sutro Price.

Mrs. Josephine Redding.

Lester F. Scott.

Dr. Albert Shiels.

Dr. J. P. Warbasse.

#### PERSONNEL OF THE CENSORING COMMITTEE OF THE NATIONAL BOARD.

Miss Grace Abbott, sister of Leonard A. Abbott, editor, Current Opinion.

Miss Edna Aitken, member League for Political Education.

Dr. Fred Hovey Allen, art critic and lecturer on art.

Mrs. Fred Hovey Allen, wife of Dr. Fred Hovey Allen.

Miss M. Ashmun, Kennedy Settlement House.

Mrs. James C. Auchincloss, wife of James C. Auchincloss, broker.

Miss Lavinia Axworthy, church worker, Brooklyn.

Mrs. J. S. Baird, wife of J. S. Baird, insurance.

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Mrs. H. Baron.

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Mrs. I. F. Beal, associate head worker, Hartley Settlement House.

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Mrs. R. S. Blaikie, social worker, 20 years' standing. Formerly connected with Christodora House.

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Mrs. L. M. Bryant, art critic and writer on art.

Miss M. L. Bulkley, settlement worker, Neighborhood House, Brooklyn.  
 Mrs. M. Burr.  
 Miss Sarah Clapp, Kipps Bay Neighborhood Association.  
 Mrs. Arthur T. Clarke, wife of Arthur T. Clarke, lawyer.  
 Mrs. F. R. Colpitts.  
 Mrs. Florence Hines-Cox, art connoisseur and decorator.  
 Miss Mary Crahan, social worker.  
 Mrs. C. D. Crittenden, artist.  
 Mrs. C. M. Crittenden.  
 Mrs. R. A. Crosby, wife of head worker, University Settlement.  
 Mrs. Russell V. Cruikshank.  
 Mrs. Edgar Dawson.  
 Mrs. Harold Deming, wife of former assistant district attorney.  
 Mrs. A. E. Dexter.  
 Mr. J. M. Drachman.  
 Mrs. Wm. C. Dripps.  
 Miss Lucy P. Eastman, social worker and suffrage speaker.  
 Mr. Charles Edwards, actor.  
 Mrs. W. J. Ehrich.  
 Mr. W. W. Elliott, Hudson Guild (Ethical Culture Settlement).  
 Mr. C. P. Fisher, superintendent Harlem Boys' Home of the Children's Aid Society.  
 Mrs. Justin Esberg.  
 Mrs. Henry Everitt.  
 Mrs. Ray Finnell.  
 Mrs. Calvert Fish.  
 Miss Mary H. Fisher.  
 Mrs. T. E. Fisher.  
 Dr. W. P. Fitzwater, dentist.  
 Miss Alice Flexner, settlement worker.  
 Rev. Victor G. Flinn, minister Moravian Church.  
 Mrs. H. H. Frieder.  
 Miss Minnie Friedman.  
 Miss Sara P. Flagg.  
 Mrs. James H. Foster, wife of assistant secretary American Association of Social Hygiene.  
 Mrs. D. C. Frazee.  
 Miss Miriam S. Gans, People's Music League.  
 Mrs. J. M. Gaspard, wife of Jules Gaspard, artist and writer.  
 Mrs. C. M. Gardner.  
 Miss Eleanor Gay, Columbia University Graduate School.  
 Mrs. Florence L. Gill, ex-secretary New York Federation Women's Clubs.  
 Mrs. H. P. Goodrich.  
 Mr. George A. Hall, New York State Child Welfare Committee.  
 Dr. J. P. Hamilton, physician. Former head worker University Settlement.  
 Mrs. Harriet Hasslet, librarian, Queensboro Public Library.  
 Mrs. M. C. Harmon.  
 Mrs. B. A. Heydrick.  
 Mrs. Chauncey Hills.  
 Mrs. Donald M. Hill.  
 Miss Lillian Hoag, settlement worker.  
 Miss Evelyn Holt, Vassar graduate; daughter of specialist in women's diseases.  
 Mrs. L. M. Hornthal.  
 Mrs. B. F. Horton.  
 Mrs. James P. Hudson.  
 Mrs. E. R. Ingall.  
 Mrs. Wm. H. Ives.  
 Mrs. Sarah Jacobin.  
 Miss Gladys Jaeger.  
 Miss Marion James.  
 Mr. Edwin S. Kassing, member Citizens' Union.  
 Mrs. Ernest Kauffman.  
 Mrs. G. A. Kaven.  
 Miss Pauline S. Keese.  
 Dr. F. C. Kell, dentist.

Mr. S. Keiser.  
 Mrs. Imogene King, lecturer, Scudder School for Girls.  
 Mrs. Howard Kuhn, Columbia student.  
 Mrs. J. B. Leake.  
 Mrs. Frederick Leake.  
 Mrs. Charles S. Lecky.  
 Mr. E. A. Lee, professor, Teachers' College.  
 Mrs. E. A. Lee, wife of Prof. Lee.  
 Mrs. Burdette G. Lewis, wife of commissioner of corrections.  
 Rev. A. H. Limouze, clergyman, Westminster Church.  
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 Mrs. Henry McMeans.  
 Miss Irene Marcellus.  
 Miss Pauline Margulies.  
 Mrs. A. B. Marvin.  
 Mrs. Rachel Mayer.  
 Mrs. Charles Me'sel.  
 Mr. George Miller, retired business man.  
 Miss Jeannie B. Minor, Child Labor Committee.  
 Miss Hilda Mirranda.  
 Mrs. L. C. Mygatt.  
 Rev. F. W. Neidermeyer, pastor Adams Memorial Church.  
 Miss Louisa Orth.  
 Mrs. Edward Paine.  
 Mr. Charles A. Perry, Russell Sage Foundation.  
 Mrs. Jennie Pforzheimer.  
 Mrs. W. W. Pickard, board of managers, Social Settlement, Brooklyn.  
 Miss Laura Popper.  
 Mrs. W. E. Pulsifer.  
 Mrs. H. C. Quimby.  
 Miss Elizabeth E. Reed.  
 Mrs. B. L. G. Rees.  
 Mrs. Walter Reidelshelmer, Hospital Social Service.  
 Miss Mary Reynolds.  
 Mrs. L. H. Richards.  
 Mrs. E. F. Roberts.  
 Mr. John W. Sargent, dramatic critic.  
 Mrs. Henry W. Schloss.  
 Mr. Harry Schoenthal.  
 Miss Dorothea Schwarcz.  
 Mrs. Martin Schultz.  
 Miss S. H. Scott, settlement worker.  
 Mr. Myron Scudder, principal Scudder School for Girls.  
 Mrs. Myron Scudder, Scudder School for Girls.  
 Mrs. J. H. Seymour.  
 Mrs. Albert Shiels, wife of Dr. Albert Shiels.  
 Mrs. H. L. Simpson.  
 Mrs. L. A. Sinclair, board of managers, Jacob Riis Settlement House.  
 Mrs. Otis Skeeel, social worker and teacher.  
 Mrs. B. F. Skillie.  
 Miss Norma A. Smith.  
 Mrs. Louis Springer.  
 Mrs. Arthur D. Stone.  
 Mrs. Frank Stripe, suffrage worker.  
 Mr. Henry C. Striker, business man.  
 Mrs. Lionel Sutro, Ethical Culture Society.  
 Mrs. Harriet A. Tappan.  
 Mr. E. A. Talbert, writer on Mexican subjects.  
 Mrs. Charles Tinker.  
 Miss Maria Townsend.

Mr. D. W. Tryon, artist.  
 Mrs. A. E. Viola.  
 Mrs. Everett Wald, board of directors, Presbyterian Home Missionary Society;  
 wife of architect of Metropolitan Life Insurance Co. Building.  
 Miss Lucy Wallace.  
 Mrs. George V. Wendell.  
 Mrs. J. N. Whaley.  
 Miss. J. Whitney.  
 Mrs. Frances G. Wickware, art decorator.  
 Mrs. Butler Williamson, art critic.  
 Mrs. A. F. Woodard, Horace Mann School Parents' Association.  
 Mrs. Ira Woolson.  
 Miss Alice Wright.  
 Miss Harriet Wright.  
 Mrs. E. M. Wurster.  
 Mrs. Elizabeth Wyckoff.  
 Miss Paula Allen.  
 Mrs. C. G. Bailey.  
 Miss M. Burr.  
 Miss A. F. Crane, teacher.  
 Miss Alice M. Decker, district secretary Charity Organization Society.  
 Mrs. Henry Esberg, art decorator.  
 Dr. V. O. Freeburg.  
 Mrs. John Gebhardt.  
 Miss Evelyn M. Goldsmith.  
 Mr. Nathanael Pratt, former executive secretary Men and Religion Movement  
 of New York.  
 Mrs. Ralph L. Shinwald.  
 Mrs. R. Richards.  
 Mrs. S. Robinson.  
 Mrs. Kinsley Slasson.  
 Mrs. N. K. Sinclair.  
 Miss A. Weir.  
 Mrs. C. F. Wood.  
 Miss Alice Spear.  
 Mr. E. Jenkins, district superintendent in charge of evening schools, board  
 of education of New York.

This is submitted as a solution in a constructive fashion of this problem of motion pictures for children. I take pleasure in leaving it with you.

Mr. BINDER. Mr. Chairman, we have had a wide variety of talent that have spoken to you on this subject. We have had two Episcopal clergymen, a Hebrew rabbi, and now it affords me great pleasure to introduce to you the Very Rev. Thomas Edward Shields, A. M., Ph. D., LL. D. He is professor of psychology and education in the Catholic University of America, dean and assistant treasurer of the Catholic Sisters' College, president of the Catholic Education Press, editor of the Catholic Educational Review, honorary member of the Minnesota Academy of Medicine. He is the author of Index Omnium; the Education of Our Girls; the Making and Unmaking of a Dullard; the Teachers' Manual of Primary Methods; the Philosophy of Education; the Third, Fourth, and Fifth Readers of the Catholic Education Series, and joint author of the First and Second Book and Religion Third Book of the Catholic Education Series.

**STATEMENT OF VERY REV. THOMAS EDWARD SHIELDS,  
A. M., PH. D., LL. D.**

Dr. SHIELDS. Mr. Chairman and gentlemen of the committee, it is quite hopeless to enter into an argument on this vast subject at the end of the evening; consequently there is no question that I care to

present that has not been fully before this committee. I am aware that we are all unanimous that the motion pictures have come to be a great power for good and evil. It does both. The evil has been constantly decreasing and the good increasing at a very rapid rate. I know of no other force in the last 20 years that has gained in power for good at the same rate as the moving picture. There is, of course, an evil sphere that everybody deplores, and that could be removed, but I am not in favor of any legislation that would in any degree take away government for the people and by the people and in its place substitute the conscience of any five men—I do not care if they are the best men in the land, because even if they are the best in the land, the fathers and mothers have a right to exercise authority over their children, and the pastors have a right to advise them.

Now, in reference to newspapers. I believe that the Sunday edition, the colored supplement of the Sunday paper, is one of the worst influences that this country has seen in years. Its color scheme is so absolutely unesthetic that it destroys its effect. It destroys respect for father and mother, particularly the Katzenjammer Kids. Why, every child that is able to read sprawls on the floor on Sundays eager to read it. Shall we censor these things? Yet I hesitate to sacrifice the liberty of the press by demanding that the national censor should go into every newspaper office and say what they shall put out for little children, without these reports of social crimes of every kind that our children read. That same remedy ought to be found, and that remedy can be found and can not be taken away. The individual has the right to judge and make his own determinations upon moral questions of this kind. You can not take away from an individual his right to judge, his right to freedom of thought, and put it in the hands of a commission. It would take an army to examine all these pictures, two or three hours for each one, and consider the daily output. We would have to have hundreds of men to sit in judgment on these pictures. Very often there might be an inferior employee with a narrow conscience, it may be very often both. Still, that is not my conscience, and besides that we have developed local schools and local authorities that can take care of the moving pictures, and the moving-picture houses that will insist on doing evil business will go out of business very shortly. I know that there are too many children going to pictures that they ought not to go to, pictures that are meant for adults, showing moral emotions, the great struggles of life, the moral struggle of man and men, and such subjects are not fit for children of 10 years. They are better off outdoors. Some years ago I was traveling in the far West with the president of the university. We were going past a moving-picture house during the Christmas holidays, and we heard the reel running inside, and he said, "Let us come in here." When we saw the first picture, I was very sorry for my friend, the president of the university. He got redder and redder as the picture went on. It was a mawkish sentimental hugging style of picture, and I could see that he was mortified; but he could not go out, so we had to let the reel go by. The next picture was a reel showing the development of a flower from a seed, which was a most educational and interesting sight, the most educational thing of its kind that I have seen, where children could learn ten times as much as in school. Now

we had to separate those two classes of pictures. They can not be both classed together under one standard. They must, to a large extent, depend upon the particular localities. It would be a very dangerous thing for the Congress of the United States to attempt to override the individual and undertake to substitute a national conscience for the individual conscience.

Mr. BINDER. An allusion was made last evening to the fact that we were not united in our demands that this bill be not enacted into law, and the name of a prominent motion-picture corporation was mentioned as being not in favor of this bill, namely, the Paramount Picture Corporation.

In reply to that assertion Mr. Cromelin would like to say a few words.

**ADDITIONAL STATEMENT OF MR. PAUL H. CROMELIN, OF  
HACKENSACK, N. J.**

Mr. CROMELIN. Mr. Chairman, in reply to certain statements made yesterday evening I desire to say a few words. You referred, Mr. Chairman, on a previous evening after the close of the hearing, to the caucus which was held after the regular meeting adjourned. It was our pleasure last evening to have a pleasant chat with Canon Chase. I thought that I might be able to show him the evil of his ways. He began to tell me that the Paramount was in favor of the bill, and I told him that I could not imagine it was right, and that I would either have an official of the Paramount Co. here to-night or that I would be able to make an authoritative statement for the company. The canon has read a communication dated last April and signed by Talton Winchester. I would like to have the canon tell us what position, if any, he holds with the Paramount corporation, whether he is an officer of the company; and if so, what officer he is.

Dr. CHASE. I have no knowledge of that.

Mr. CROMELIN. Now, I have been in touch telephonically with the president of the Paramount Co., Mr. W. W. Hodgkinson. I have been in communication with him telephonically to-day, and within one hour previous to this assembling I was authorized by him to deny that the Paramount Corporation is in favor of this bill, not only on behalf of the Paramount Corporation, but also on behalf of the Famous Players Co., and also on behalf of the Jesse L. Lasky Film Co. These are the two constituent companies contributing to the program put forth by the Paramount corporation. We have already put into the record the telegram from the Morosco Co. That is the third constituent company of the Paramount corporation.

Mr. BINDER. I will next introduce Mr. Frank W. McPherson, of New York City, a director of the charities organization there.

**STATEMENT OF MR. FRANK W. MCPHERSON, OF NEW YORK CITY.**

Mr. MCPHERSON. Mr. Chairman and members of the committee, I came as a volunteer, just as I volunteered seven years ago with a few associates to study the motion-picture subject in New York City. Seven years ago there were in New York City, as in other cities, a great many low-class moving-picture houses, frequented by many

patrons who could afford no other form of amusement to a degree that their desire for recreation calls for.

With those who now appear for this bill, I share the common purpose which I hold at this time to do what I may to improve the conditions of motion-picture theaters, and to improve the quality of motion pictures themselves, for the sole purpose of thereby affording decent and proper recreation to numberless people who have been starving morally and intellectually because they have not had proper recreation. I do not know personally a single manufacturer of motion pictures. I do not know a single agent for such manufacturers, personally, except that I met Mr. Binder to-night for the first time. My association with the entire subject is as a member of the national board of censorship which I have belonged to from the beginning, and I belonged to its predecessor, this voluntary committee which has been referred to. I am a member of the national board of censorship. My friends who know me do not desire, nor would they dare to impute anything improper to my membership or service in that board. For six or seven years I have been reviewing pictures. Last year we reviewed 9,600 reels, nearly 6,000 subjects. We conferred—I less than the others—with the manufacturers. We consulted public opinion, we consulted our own experience and our own conscience and the integrity of our purpose. That has been the basis of our endeavor to improve motion pictures that are being exhibited throughout the country. We have given our time and leisure to this purpose for the past six or seven years. I have no other reason to expect your confidence than what I have stated.

Now, I have a purpose in coming here and bringing to your attention one single point. Just as I felt seven years ago when called upon to give my time to this volunteer service, so I now feel called upon to bring to you modestly, for what is may be worth, my opinion as to the outcome of this experimental censorship, if it is entered upon at all. I come here to tell you that in my best judgment, without any other purpose than the good of the people who are going to see these pictures, my best judgment is that there will result from the passage of a bill of this kind confusion, chaos, and lack of regulation such as existed seven years ago. The only question is why? Why is this thing impracticable? Why am I right, if I am right, that this thing is impracticable? I can answer that in five minutes, but I want to state one or two things which may seem worthy objections. You know that 8,000,000 or 10,000,000 people daily attend motion pictures in this country. You know, of course, that the amount of admission fees paid in the course of a single year is about \$350,000,000. You know that \$350,000,000 is merely the income upon the vested interests represented by the manufacturers, the exhibitors, and the owners of the places where these pictures are shown.

The CHAIRMAN. Pardon me right there, Mr. Cromelin, but what is the amount of capital invested in these companies?

Mr. CROMELIN. I have no information about that. That is the income upon that investment. That is the state of this trade, so far as the income is concerned. Now, as American citizens, would any five people in this room volunteer without any salary, or even with salary, to sit in judgment conclusively and finally upon every foot

of film to be shown in the course of this year 1916, when you realize that in so doing you are passing upon the financial interests represented here?

The annual income is \$350,000,000 a year. Are there any five men who would be strong enough, who would have the moral hardihood to undertake to shoulder that financial responsibility as well, if their conscience permitted it, the responsibility of determining what pictures should be shown to free American citizens? Can you picture the moral strain of the situation which those men would have to pass through? Do you know the physical conditions under which they would carry that responsibility? I am sure you do not know. Now, in the beginning, no matter what takes place later, these five commissioners must see the pictures. They must formulate their own standards. They must determine what shall be the guide for their subordinates, or those who may later see the pictures. If they see only one class of pictures, only the current productions, each one of them must view 6,400 feet a day. Now, in any case where a decision is to be reached, the one who views the film must decide alone or he must decide in consultation. Now, that will take time. If the picture is seen in consultation, it must be seen again. It is not possible to endure the mental strain or eye strain that would be involved in this work. We know that from our own experience.

I can not conceive the sense of humor of this committee in putting into the bill the provision that the number of people who do this work should have a certain amount of money, which is supposed to be sufficient to pay the salaries. Why, you would be laughed out of the country if you put up this bill with sufficient salaries for all of them. Now, during the first nine months of the operation of this bill, what will happen? This bill provides that for nine months no pictures shall be transported without license. The manufacturers have at stake the prospective income. What are they going to do as a practical measure? Just as soon as this commission is organized they are going to bring before it every film involving a close decision, every film that has been accepted, because they want to get the moot question out of the way. Now, this commission of five, unacquainted with each other heretofore, without experience, presumably, some of them without formal standards, must make a decision offhand respecting these films. Now, these films have been shown throughout the country. The decisions of the court are going to be appealed from in this way: Let us assume, as in all human probability it would occur, that some decision would not meet public support and did not concur with public opinion concerning one of these films that has already been shown, that has been brought to the board for review and has been denied a license. What will the manufacturer do? He will stir up the public through his exhibitors and a storm of protest, an avalanche of telegrams and letters upon this commission of five will be the result, everybody asking for a hearing. Of course they must grant the hearing because it is not in human nature to withstand it, if they are fair men. That is going to take a great deal of time. Now, if they are willing to give a rehearing upon an appeal from the public, they are willing to do it from an appeal by the manufacturers supported by public opinion.

Now, take the case of the film that has not been shown to the public heretofore. The author's right has been bought, the costumes have

been paid for, the actors have been trained, the film has been purchased, and everything is ready, except the infinitesimal necessity of printing a few extra films. The manufacturer's profit has been made before it comes to this board. Then suppose the board denies a license. There is an absolute confiscation of all that investment, and there is no appeal from it except as the manufacturer and interested parties who have seen the film heretofore may induce that board to give it a rehearing. Public opinion can not be invoked if the public has never seen the picture. Is that kind of arbitrary power going to rest lightly upon the shoulders of the commissioners, and are their acts likely to be favored by public opinion without the review? Is that in accord with the American sentiments? Is it to be expected that their star-chamber proceedings of that kind will pass with the approval of the American people, free from suspicion, free from doubt, free from contest, particularly in view of the fact that enormously powerful vested interests, with their ready appeal to the public and with their organization already effected, can be used to stir up public opinion? Now, these five commissioners are not going to sit in a sanctuary free from outside influences. The office of these five commissioners will be the busiest place in this country. There is not a single controversial question, political, religious, or otherwise, that can not be put upon the screen. What is the board going to do? The questions will have to be determined arbitrarily. There are going to be just as many disappointed people as there are otherwise, because their enemies are going to stick together. This commission would have more enemies, more critics for it, if it deals with these questions fairly. They would have a busier time than any other branch in the Government employ. Personally, I do not think it is an American institution. I do not think it would accomplish the purpose for which it is drawn.

Mr. BINDER. Before introducing the next speaker, I want to make an announcement. The opening speaker of to-morrow evening's hearing will be a gentleman who is known to many of you who have been members of Congress during last session, the Hon. Martin W. Littleton, of New York, a gentleman whom you will all be glad to hear, I am sure, for his argument will be eloquent and convincing. Incidentally, he is a man who has been all through this censorship fight.

The next speaker this evening will be Mr. Alonzo T. Jones, editor and publisher of a publication known as Religious Liberty. He approaches this subject from that standpoint.

#### STATEMENT OF DR. ALONZO T. JONES, WASHINGTON, D. C.

Dr. JONES. Mr. Chairman, to be certain that my remarks will be brief, I have written down the most of them, and my time will be very short, because I wish to direct my remarks only to the principle of the question.

This proposed censorship of moving pictures is but a part of a grand scheme to spread the like thing over all things and all the Nation.

More than a quarter of a century I have kept trace of it and studied its workings, and what I have said and what I shall say is the plain truth concerning it. Just now, and in this particular case,

it touches only moving pictures. But this is only the beginning. Let it be legalized and established in this particular field, and it will be extended to other things and to the utmost limit, or rather, beyond all limit. This extension of it is logically involved in the presentation that has been made of that side of the case. The advocates of the proposal have here said that it is what they have seen in the moving pictures that has caused them to ask for this legalizing of their censorship; one of them saying that she had spent a whole day visiting various shows.

And yet, all that they have said that they saw there can be seen in every play upon the stage; in every novel, magazine, and daily paper, and, indeed, in every truthful history that is published. And by the same token, their censorship must be extended to all this field.

And if they shall be allowed once to start it as they propose, we all may be sure that they will never be satisfied until this whole field shall be under their censorship. Both the logic of the case and their disposition are surety of this. Nor does it stop there. If the lady who spent the whole day so diligently investigating the moving pictures, would spend the whole day as diligently walking about the streets and by-ways of the city, and as critically viewing moving human conduct, there can be no doubt that she would see there as many items demanding her censorship as she saw that day in the moving pictures.

Let their censorship be sanctioned and legalized by national authority, and the whole field of moving human conduct will be as readily compassed as the field of the moving pictures. Indeed, why not this first? For it is certain that if the things objected to in the moving pictures had not appeared first in human conduct they never could have got into the moving pictures. It will be but going backward to their goal to spend time and censoring on the pictures, while letting the conduct go on uncensored. Can anybody believe that they will long confine their censorship only to the moving pictures, when both their disposition and the logic of their case are surety that they will carry it to the moving conduct?

I am not speaking unadvisedly, nor making a charge; I am stating only the simple fact, when I say that their disposition, as well as the logic of their case, will lead them into the field of the daily moving conduct of the people. For it is the national reform bureau that is one of the chief promoters of this censorship. And that bureau is literally what the name says: A purpose to reform the whole Nation and everything in it. And this wholly by sumptuary laws inquisitorially applied.

Sufficient evidence and illustration of this is supplied in the literal fact that 26 years ago just now he who now is this bureau invented and widely published a placard in great, glaring letters "to be hung on the breasts" of people pilloried in the most public places, who choose to spend Sunday differently from what his censorship would dictate.

Here is a true copy of that placard. In his own words it is "To be hung on the breast of every one who buys postage stamps, provisions, cigars, clothing, or whatnot on the Sabbath."

It bears the legend:

I am blind, selfish, shiftless. Rest and let rest on the rest day.

Does anybody want, or is anybody willing, to legalize and empower censorship of anything in the hands of such person or spirit as that?

It would be nothing less than the reestablishment of the very Inquisition itself. Our fathers founded this Nation on the divine principle of self-government, individuality: "Government of the people, by the people, and for the people." Each man to be empowered and left free to govern himself by himself and for the benefit of all. But as steadily as the ticking of the clock, and in many insidious ways, that divine principle is being undermined and supplanted with the mischievous notion that each one must govern the other man first of all, rather than himself. And the worst feature of it all is that the churches are taking the lead in this ruinous thing to both the individual and the state. The true place of churches and Christians in the world is to empower men truly to govern themselves and then leave them free to do it. But instead of that the churches take the anti-Christian course of first robbing men of all power to govern themselves and then seize control of the civil power, and by that govern them in the same old ecclesiastical way. And the measure now before this honorable committee is not the least of the many meddlesome and mischievous devices thus being employed for destroying this model Republic and turning it into a government of another and the worst possible form.

Mr. BINDER. We have only two speakers left for to-night. I will now present Mr. John D. Bradley, president of the Washington Secular League.

**STATEMENT BY JOHN D. BRADLEY, PRESIDENT OF THE WASHINGTON (D. C.) SECULAR LEAGUE, AND REPRESENTATIVE OF THE AMERICAN SECULAR UNION AND FREE THOUGHT FEDERATION AND THE RATIONALIST ASSOCIATION OF NORTH AMERICA.**

Mr. BRADLEY. Mr. Chairman and gentlemen of the committee, I have the honor to appear as the representative of a class of American citizens variously designated as Liberals, Rationalists, Secularists, and Freethinkers. They are represented locally by the Washington Secular League and nationally by the American Secular Union and Free Thought Federation, having headquarters in Chicago, and by the Rationalist Association of North America, having headquarters in San Francisco. The Washington Secular League is affiliated with these national organizations, and its representatives are expressly authorized to represent these organizations in matters coming before Congress in which they may be interested. I am president of the Washington Secular League and chairman of its legislative committee.

The citizens for whom I speak stand especially for freedom of thought and for freedom of expression and communication of thought. The Washington Secular League avows as one of its main objects the removal of "all obstacles to the fullest freedom of thought and the intellectual emancipation of humanity," and the Rationalist Association of North America affirms that "progress is possible only through enlightened freedom," and emphasizes the principles of

"freedom of thought, of speech, of the press, of assembly, of science, in art, in education, in literature, and in religion."

Our interest and concern in the matter here pending is due to our position and principles in this regard, and also to another matter to which I shall allude later.

Notwithstanding the opinion of the Supreme Court holding, as I understand, that the motion picture is in a class distinct from the productions of the press and from other forms of expression and communication of thought, and is in the class with commerce and its commodities, and is therefore a matter to which the constitutional guaranty of freedom of speech and of the press does not apply, we are of the opinion that the motion picture is far more closely allied with the productions of the press and with other forms of expression and communication of thought than with the article of commerce. It is a means of mental entertainment and instruction, of communication of ideas, and fulfills the function of literature and of speech.

It has been argued before this committee by a leading advocate of this proposed legislation that the commission it proposes to establish is, in principle, identical with the Interstate Commerce Commission, and that the function to be performed by this censorship commission is identical in principle with that performed in the Federal inspection of food and drugs and of meat. We can not agree with this contention. It does not seem to us that the motion picture is in the same class with the carcass of a hog or other animal nor with that of drugs and food preparations. The motion picture is addressed and appeals to the mind, and it is in a realm very different from that of these articles and commodities of commerce.

I do not understand that the Interstate Commerce Commission is a board of censorship or that it has anything to do with the sort of thing that is involved in the measure under consideration. The Interstate Commerce Commission regulates commerce, physical commerce, not the spiritual commerce of the mind. It has to do with the physical instrumentalities of physical commerce and transportation to the end that their economic, business, and physical conduct and management shall be fair and just and with due regard to the physical safety of the public.

But the commission proposed in the legislation under consideration is to have a very different function. It is not to be concerned with the economic and business conduct of the motion-picture business, nor with the physical safety of the people with regard thereto. Its function is to be in a very different field—the field of thought, of ideas, and their expression and communication. Its function is to regulate and censor in a most important field the mental entertainment of the people, to control and suppress the expression and communication of ideas. Its function is to censor not the food of the body, but the food of the mind, to say what shall and what shall not be given expression from the mind and to the mind by means of this great instrumentality for the expression and communication of thought—the motion picture.

There is a provision of the Federal Constitution which is to the effect that the powers not delegated therein are reserved to the States respectively or to the people. I think it is stretching the Constitution far, indeed, entirely too far, to hold that it gives Congress the

power to set up a board of censors over the entertainment of the people of this country, or the right to determine what is and what is not good for them morally, and to regulate and prescribe their mental food. If the Constitution authorizes this, there is nothing it does not authorize, and there is no limit upon the power of Congress to invade and regulate the affairs of the people. If there is anything that has been reserved to the States and to local authority and to the people themselves it would seem that it would be the right to regulate for themselves the sort of thing dealt with in this proposed legislation. What business has Congress or a Federal commission to determine for the communities of this vast country just what sort of diversion and entertainment and moral and intellectual pabulum they shall have? We hold that these are matters that should be left to local communities and to the people themselves.

It is to be feared that the good ladies who addressed this committee the other evening do not realize what a burden, what an impossible undertaking, they would impose upon the Federal Government by having it attempt to look after the proper upbringing of their own and everybody else's children and grandchildren, for that was the logic and implication of some of their arguments on behalf of the proposed legislation. What function are the parents of this country to perform when the Federal Government shall have relieved them of the responsibility of looking after the proper upbringing of their children? Notwithstanding one of these good ladies, in making her plea for the care and supervision of the Federal Government for her little grandson in the immediate vicinity of his home, declared that "we have confidence in this great Government of ours and know that whatever it undertakes is always well done," it is to be feared that these ladies are proposing to the Government a task that is foredoomed to failure, no matter to what extent nor how drastic may be the action of the Government. No matter how powerful nor how efficient the Government may be, it simply can not perform the function which these ladies propose by the logic and implication of their arguments. According to some things that were said, the Federal Government would not only be required to keep the children from all contamination while the parents allowed them to wander about the community, but it would have to come closer home and take up the matter of the wearing of Indian suits by children and the playing with toy pistols and pop guns.

We have heard much in this country in disapprobation of paternal government, but we have here a proposition of paternalism with a vengeance. It is a proposition that the Federal Government shall assume the functions of both father and mother in the matter of the moral care and upbringing of the children. From some of the circumstances related it would appear that a censorship of parents rather than of pictures is what is called for.

Mr. Chairman, it has been suggested a number of times in the course of these hearings that this motion-picture censorship would open the way to a censorship of the press, and that those who propose and urge this censorship will be bound upon the same principle and for the same reasons and objects to seek to establish a censorship of the press. In response to this suggestion one of the

advocates of this proposed legislation, the representative of the Society for the Prevention of Crime, has declared before this committee this evening that there should be a censorship of the press. I wish to call the attention of this committee to the fact that a movement is under way now in this country to have established a censorship of the press, that measures are now pending in Congress for that purpose (H. R. 491 and 6468, 64th Cong., 1st sess.), and that such legislation was urged in the last Congress (H. R. 20644, 20780, and 21183, 63d Cong., 3d sess.), and among others by no less influential a Member of Congress than the chairman of the Committee on Appropriations of the House of Representatives, who, with other Members of Congress, appeared before the Committee on the Post Office and Post Roads of the House on February 1, 1915, in advocacy of such legislation.

The astounding proposal is made that a single Federal official, the Postmaster General, shall have power to and shall exclude from the mails not only any periodical or publication which he shall, upon complaint, determine to fall within certain very sweeping designations, but any and all mail matter whatever from or to any publisher issuing such periodical or publication. Among these designations, and it is the leading idea of the proponents of the legislation, is that the periodical or publication is, or is "represented to be, a reflection on any form of religious worship practised or held sacred by any citizens of the United States" (H. R. 20780, 63d Cong., 3d sess.), or "contains any article therein which tends to expose any race, creed, or religion to either hatred, contempt, ridicule, or obloquy" (H. R. 491, 64th Cong., 1st sess.). The origin of this proposed legislation, so far as I have been able to ascertain, was a resolution adopted by a great religious and sectarian federation at its national convention held in New Orleans in the summer of 1910, and which resolution was that "the Congress of the United States be earnestly requested to amend section 3993 of the Revised Statutes of the United States, relating to the mailing of 'obscene, lewd, and lascivious' literature, so that the same may include the mailing of books, papers, writings, and prints which outrage religious convictions of our citizens and contain scurrilous and slanderous attacks upon faith." At the following annual national convention this resolution was amended by the insertion of the word "our" just before last word "faith," thus showing that the purpose was to have Congress debar from the mails writings and prints attacking a particular religious faith. While at first it was proposed to do this by amendment of the criminal statutes, it is now proposed to do it by establishing in the Post Office Department a censorship of the press.

The history of mankind has shown that the subject and field of thought with reference to which there has been the greatest tendency and disposition to restrict and deny freedom of thought and of expression and communication of thought is that of religion, and that the greatest force with which this freedom has had to battle is that of religion. Therefore what Draper, in his History of the Intellectual Development of Europe, has well phrased "the tyranny of theology over thought" is especially obnoxious to that class of citizens I represent, and it is especially with reference to this tyranny that secularists and freethinkers have asserted and continue to assert

and advocate the principle of freedom of thought and expression. And therefore we do not want any precedent established for the legislation to which I have just called attention nor any encouragement given to the proponents of such legislation. But we are convinced that the enactment of the legislation here under consideration would do that. The establishment of a Federal censorship of the motion picture would lay a foundation for the establishment of this other censorship and interdiction with regard to the press which proposes to suppress freedom of discussion in this country on the subject of religion, so far as disbarment from the mails can do it.

Further, in this connection, we can not ignore the fact that it is from religious sources that the demand and agitation for this establishment of a Federal censorship of motion pictures appears to come, and it is significant that the representative of the New York Federation of Churches has just told this committee that pictures which "scurrilize religion" should be suppressed. Will pictures which "scurrilize" free thought, agnosticism, infidelity, and atheism, or which, by catering to religious superstition, are offensive to rational thinkers, be suppressed also, or is this censorship to be conducted from the standpoint of religion and in its interests?

Well and pertinently did the Rev. Dr. Cyrus Townsend Brady emphasize before this committee the other evening the importance in our civilization of the disassociation of religion and government. This is a principle for which the people I represent especially stand, and we are jealous of the slightest compromise of this principle, and we must look with some suspicion upon any project of legislation which appears to have its origin and almost its entire support in religious, ecclesiastical quarters. In urging the proposed legislation before this committee the other evening the professional religious "reformer" and lobbyist, who appears to be the leader of the forces seeking its enactment, referred a number of times to the "devil," and spoke of what the "devil" would prefer and would not prefer. Last evening another leader of the religious forces seeking this legislation spoke of you, gentlemen, Members of the Congress of the United States, as "ministers of God" and as "representatives of God." I respectfully submit that we have passed from the age when that theological fiction known as the "devil" should be an influence in civil legislation, or when the agents of political power are to be regarded as the representatives of God. I call attention to the fact that the Constitution of this secular Republic knows neither gods nor devils; that it knows no source of political power but that of the people and recognizes no divine prerogative or representation in the representatives of the people. When the leading advocates of a piece of legislation think it proper in urging it before a committee of Congress to revert to these theological and medieval notions, those who understand that a vital and fundamental principle of this Republic requires the absolute elimination of theology from government and the complete repudiation of the theocratical principle should be on their guard in the matter. It is significant that both this evening and last evening the clergyman having charge of the time for the advocates of this legislation has opposed the utterances of Dr. Brady with respect to the disassociation of religion and government, and has advocated the theocratical

idea that the church and its representatives have a right and duty to superintend and direct legislation and governmental action, and has very appropriately appealed to the Bible and to Jesus Christ in support of this position. Doubtless this attitude is in keeping with the work and aims of the religious advocates of this proposed legislation, but that can hardly be a recommendation for the legislation under the principles of our Republic.

Dr. Brady also very pertinently and forcefully in connection with this matter emphasized before this committee the age-old mistake and blunder of religion and its representatives in seeking to make people righteous by legislation, and in relying on the political power to accomplish the results which religion itself should accomplish if it is what it professes to be. He might have added that the most fatal day in the history of Christianity was the day when it succeeded in securing the aid and cooperation of the government of the Roman Empire in promoting what it regarded as the moral welfare of the people, and that that aid in the first instances was with reference to the regulation of the public shows and amusements of the people. From that day to this organized Christianity has been an impediment to the development of western civilization, and it has been only to the degree that its rule has been repudiated that civilization has advanced.

Dr. Brady also said most significantly and pertinently that there are portions of the Bible which he would not have his children read. I wish to suggest to the forces urging this Federal censorship of motion pictures, that if we must have censorship it should be applied impartially and where it is most needed in the interests of the children and of morality and ethics. Is there any book in the English tongue which has in it such blunt, such coarse, such obscene passages as are to be found in that book which the religious forces of this country idolize as the "word of God," and in which they indoctrinate so many of the children of this country and teach them to regard as holy and inspired and as the basis and fountain of all morality? In a series of lectures on the Bible at the University of Oxford in 1885 the eminent and learned English churchman, Canon Farrar, spoke of its "terrible narratives which only prove the imperfect morality of times of ignorance." The Rev. Charles F. Aked has more recently said that they who turn to the pages of the Bible with freedom and intelligence "find historical errors, arithmetical mistakes, inconsistencies, and manifold contradictions, and, what is far worse, they find that the most horrible crimes are committed by men who plead in justification of their terrible misdeeds the imperturbable 'God said'; that "the heart and conscience of man indignantly rebels against the representations of the Most High given in some parts of the Bible," and that its "revelation of God partakes at times of the nature of blasphemy against man." (Appleton's Magazine, September, 1908, article "Salvation of Christianity.")

On the floor of the House of Representatives on April 11, 1906, the late Representative Allan L. McDermott, of New Jersey, read some passages from the thirteenth chapter of the biblical book of Deuteronomy, which he stated "the children in our Sunday schools are taught was written by Moses under divine guidance," and declared that nowhere else in the literature of the world, sacred or profane, could be found so terrible and frightful an embodiment and expression of religious intolerance. Referring to the alleged

divine order and directions for the complete extermination of the inhabitants of towns where "false gods" were worshipped, Representative McDermott said that "if the legend could be changed to have the order written by Satan and issued from hell a very great work of justice would be done for the reputations of both God and Moses"; that "the wretch who wrote the directions probably thought that he was inspired, probably thought that his heart of rock and his brain of hate were under divine guidance, whereas he was merely ferocious and insane," and that the passage "can not now be read without a shudder." (Cong. Record, 59th Cong., 1st sess., Vol. XL, Pt. VI, p. 5073.)

This is but an indication of the unethical and immoral nature of much of the matter and teachings of the book which the religious forces demanding this censorship of motion pictures in the interests of the moral welfare of the people, and especially the children, teach the people, and especially the children, to regard as divine and as the basis of all morality. It would be easy to go further and point out that the very central and basic doctrines of the religion based upon this book, and which religion we are told is the bulwark of our morality and is a scheme of divine arrangement which no one can reject or disbelieve without moral death and divine retribution, are unethical, immoral, and barbarous. And yet these religious forces, these Sunday schools, which this committee has been told have from Maine to California voted overwhelmingly for the enactment of this legislation creating a Federal board of censorship for motion pictures, are engaged in the work of imposing the teachings of this book and the dogmas of this religion upon the minds of the children of this country. At least it can be said for the motion pictures that whatever may be unethical or immoral in what they purvey, they do not add to it what is perhaps the greatest and most insidious immorality of all—the baseless claim that it is divine and God inspired and must be swallowed as the highest morality, no matter how repugnant and shocking it may be to the moral sense. Directly with reference to this immorality by which the religious forces vitiate the entire edifice of morality for which they stand, Rev. Dr. Charles F. Aked has written: "The first of all truths is that a lie shall not be believed. A lie is no less a lie when men lie for the love of God." (Appleton's Magazine, September, 1903, p. 284.)

I have diverted to this matter to indicate that if we must have a governmental censorship in the interests of morality and the moral well-being of the young, there are other directions in which it should be applied, and that one of the most fruitful and important fields will be that represented by the advocates of this legislation—the field of religion. The reform and moralization of religion has hitherto been left to the slow process of evolution and education, but if religion is unwilling to leave the motion picture to this process, why should religion be left to that process? Prevention of appeal to race prejudice has been advanced before this committee by two colored clergymen as an important reason for Federal censorship of motion pictures. But what greater bulwark of race prejudice with respect to the colored race have we than those passages in the book of religion by which so many people are taught under religious influence to believe that the colored race is such by reason of divine curse and retribution? Would it not be well to begin the censorship

for the prevention of race prejudice with this basic and primary cause?

Mr. Chairman, though they no longer have the potency in the government of society they once had, the forces of religion are meeting this new mechanism and discovery for the expression and communication of thought—the motion picture—just as they met the discovery and employment of that other great mechanism—the art of printing, itself.

The multiplication and circulation of books which followed the discovery of the art of printing alarmed the representatives of religion, and they saw in it a great force for immorality and irreligion. We are told that then was “introduced the principle of censorship” (*Encyclopaedia Britannica*, 11th edition, articles “Press laws” and “*Index Librorum Prohibitorum*”), of prepublicity examination. In 1501 Pope Alexander VI issued a bull against unlicensed printing, and in 1515 the Lateran Council formulated a decree “which required that no work should be printed without a previous examination by the proper ecclesiastical authority, the penalty of unlicensed printing being excommunication of the culprit and confiscation and destruction of the books.” One of the principal functions of the Inquisition, established about that time, was to “exercise a rigid censorship over books put in circulation.” In France for a time the penalty of death was imposed for the printing of unlicensed books. Gradually, as ecclesiastical authority over society and civilization waned, the press was liberated from the shackles imposed on it. We all recall Milton’s immortal appeal to the English Parliament for “the liberty of unlicensed printing,” and against the setting up of what he termed “an oligarchy of 20 ingrossers to bring a famine upon our minds, when we shall know nothing but what is measured to us by their bushel.” When our own Government was established the freedom of the press was made one of the fundamental constitutional guaranties, and it is significant that the same Constitution and Government, for the first time in history, deposed religion and theology from all connection with the political government of society.

As I say, the attitude of the forces of religion, which, fortunately, have not the potency in the government of society they once had, seems to be the same with respect to this new mechanism and discovery that it was toward the art of printing. But why should such an attitude be adopted by the Government of the United States? Why should we not learn from history? Why should we be afraid to trust the people with respect to this new vehicle of expression, and adopt an attitude which history and civilization have refuted and repudiated in the case of the press? Why should we have pre-publicity censorship with respect to the one any more than with respect to the other? Why can not the criminal law take care of any abuse of the liberty of expression in the case of the motion picture as well as in the case of the press? Why not recognize that in a democratic society artificial and governmental censorships are out of place and can not rise above the standard set by public opinion and the taste and disposition of the people, but in all probability will fall below it? Why not recognize with respect to this particular matter, that the morality of society will not be determined by the morality of the motion picture, but that the morality of the picture will be determined by the morality of society?

I thank you, gentlemen.

Mr. BINDER. The next speaker is a man known to you in Washington, who has been here all his lifetime, a lawyer of repute, Mr. Fulton Brylawski.

**STATEMENT OF MR. FULTON BRYLAWSKI, OF WASHINGTON, D. C.**

Mr. BRYLAWSKI. Mr. Chairman and remaining members on the committee, what I had intended to say could not possibly be squeezed into six minutes, not by any great amount of contraction. I had hoped to address the entire committee on this bill as it affects the motion-picture exhibitors, because in addition to my professional capacity I have the honor to be the second motion-picture exhibitor in this city. I am interested in a good number of theaters in this city, and I have followed the motion-picture business from its infancy, and I wanted to trace that business briefly before the committee to show why we exhibitors protest against this measure. The time limit that is placed on my remarks, however, prevents that. I wanted to protest, therefore, against this bill because of the nature of the bill. I also want to protest the statement that you have heard made here in regard to the quality of the films which are portrayed upon our screens. We were always under the impression that we were in a different business, and I never realized until now how obscene, immoral, dirty the business I am in really was until I listened to those who favor the passage of this measure. As I say, I am going to confine my remarks to one observation, and I will do so. You have heard it stated here, and I believe the committee is of the opinion, that the vast majority of motion pictures that are produced are clean and decent pictures. I agree that certain pictures have been produced which are not what they ought to be, and perhaps certain other pictures have been produced which are fundamentally bad, but they are in a small minority. They have always been in the minority, and they are becoming less and less each succeeding year, and in time will practically disappear. I might state, conservatively, that 95 per cent of the motion-picture films made in this country are clean and honest. Had I made that statement when the other members of the committee were here I would have been interrogated as to whether or not an investigation should not be made immediately to find out, modify, and eliminate that 5 per cent. Maybe so, but I would not want to go into that now, because I have no time.

Now, I want to speak upon a question that is very important and which has not been touched upon in the five nights that we have been here. If your committee admits, and you must admit, that 95 per cent of the motion pictures that have been made in this country are clean pictures and that 5 per cent are bad and if you passed such a measure you would constitute yourselves the most unfair of men, and for this reason: That 95 per cent of the men who produce clean, decent, and honest pictures are compelled by your bill to bear 95 per cent of the enormous expenses of this commission in order that you may eliminate the evil that is done by a few fly-by-night concerns. The same situation does not exist in the analogies which have been thrust before you in the pure food and drug act case or in the case of the meat-inspection act. You say to the pure food and drug manufacturer: "Here is our standard which you must comply with. If you violate it we are going to handle you." But you do not send his products down here to Washington for inspection before they

are placed on sale. You say to the cattle raiser: "We recognize the fact that you can not control definitely the physical properties of your cattle as to whether they will contract disease, but we do not require you to send your cattle down to Washington to be passed upon by a board of examination before they are put upon the market." No; you do not do that. You do not do it to the author of a book or play, but you do it with regard to the moving-picture men. So that you will see the same situation does not exist.

Furthermore, the cost of the operation of your meat-inspection law and the pure food and drug laws and the other laws that have been cited before the committee is paid by the National Government, because it is recognized that the effects of those laws are for the benefit of the public of the United States. Now, if the effect of this law is for the benefit of the people of the United States, why should not it be paid out of the Treasury of the United States, and why are you going to tax 95 per cent of the motion-picture interests to pay the cost of locating a negligible degree of evil that may have been committed by some people—5 per cent of the motion-picture interests—who are amenable to our laws? [Applause.]

I thank you very much.

The CHAIRMAN. Gentlemen, the committee will hold another hearing to-morrow evening, and then the hearings will be closed. You will have seven days to file your briefs.

(Thereupon, at 11.15 o'clock p. m., the committee adjourned to meet to-morrow, January 19, 1916, at 8 o'clock p. m.)

(The matter offered by Mr. Binder follows:)

I, H. M. Crandall, individually and as the representative of Crandall's, the Apollo, and the Avenue Grand Theater, respectfully protest against the enactment of a Federal censorship bill in any form. I urge and advocate the amendment of section 245 of the Federal Criminal Code so as to make it unmistakably applicable to motion pictures.

I represent an investment of \$150,000 in the exhibiting branch of the motion-picture industry. My interests employ approximately 40 employees.

(Identical protests were received and filed with the committee. These are tabulated in full, as appears below:)

Name.	Nature of interest.	Investment.	Number of employees.
Tom Moore.....	Garden, Strand, and Plaza Theaters, Washington, D. C.	\$250,000	50
Jack Edwards.....	Billboard Publishing Co., Cincinnati.....	500,000	250
James Delves.....	Secretary Exhibitors' League, Pittsburgh.....	4,700	5
B. Zerr.....	Moving-picture exhibitor, Reading, Pa.....	30,000	7
G. L. Wonders.....	Wilson Amusement Co., Baltimore.....	150,000	15
T. D. Goldberg.....	Exhibitor, Baltimore.....	25,000	10
Wm. A. Johnston.....	Editor, New York.....	100,000	40
C. T. Jenkins.....	Manufacturer moving-picture machines, Washington, D. C.	105,000	.....
Edwin Lux.....	Exchangeman, Cincinnati.....	85,000	50
Geo. Eslow.....	Exchange, Boston.....	175,000	70
Geo. Wolf.....	Exchange, Albany, N. Y.....	100,000	60
John T. Miller.....	Editor, Buffalo.....	100,000	200
George Erdman.....	Victor film, Cleveland, Ohio.....	125,000	65
A. A. Schmidt.....	Victor film, Buffalo, N. Y.....	125,000	65
Fulton Brylawski.....	Theater owner, Washington, D. C.....	500,000	100
P. A. Parsons.....	Pathé Manufacturing Co.....	10,000,000	1,600
S. H. Trigger.....	Exhibitor, New York.....	250,000	42
V. Power.....	Machine manufacturing, New York.....	500,000	300
F. Herrington.....	Exhibitor, Pittsburgh.....	25,000	9
Wm. Brant.....	Exhibitor, Brooklyn.....	70,000	38
G. W. Sahner.....	Exhibitor, Pittsburgh.....	4,000	6
J. S. Blackton.....	Vitagraph Co.....	3,000,000	1,000

LOS ANGELES, CAL.

J. W. BINDER,

*Executive Secretary Motion Picture Board of Trade,  
18 East Forty-first Street, New York, N. Y.:*

I wish to protest against the proposed establishment of a Federal censor board and request that the motion picture board of trade use its concentrated influence to prevent the passage of so unfair and unjust a bill.

MACK SENNETT.

LOS ANGELES, CAL.

J. W. BINDER,

*Executive Secretary Motion Picture Board of Trade,  
18 East Forty-first Street, New York, N. Y.:*

From many years' intimate contact with motion pictures, I know them to be infinitely more free from any suggestion of crime or vice than are the newspapers, periodicals, and novels, which are entirely unmolested by the United States Post Office or by the laws governing interstate commerce. I believe Federal censorship of motion pictures not only unnecessary, but a violation, in spirit if not in letter, of the guaranty of the freedom of the press.

ROLLIN S. STURGEON,  
*Producing Manager Western Branch Vitagraph Co.*

JANUARY 11, 1916.

Hon. DUDLEY M. HUGHES,

*Chairman Education Committee, House of Representatives,  
Washington, D. C.:*

If it is right for Congress to criticize motion pictures before they are shown, then a censorship of the press and the book is equally justifiable.

EDWARD EARLE, *Edison Studio.*

NEW YORK, N. Y.

J. W. BINDER,

*Hotel Willard, Washington, D. C.:*

Feel it our duty to protest against passing of House bill 456 as being a great injustice to the moving-picture industry.

STRAND THEATER, NEW YORK,  
B. A. ROLFE, *Managing Director.*

HACKENSACK, N. J.

J. W. BINDER,

*Hotel Willard, Washington, D. C.:*

Enter a vigorous protest through the motion-picture board of trade against House bill 456 as intelligent citizens. Exhibitors need no more censorship than newspaper editors.

HUGH OTIS.

NEW YORK, N. Y.

Mr. J. W. BINDER,

*Hotel Willard, Washington, D. C.:*

We desire to enter our protest against House bill 456, believing that we can in no way benefit the motion-picture industry, and with the producers of the same raising their standard to the extent that censorship is not at all necessary, and, if this bill is passed, it would impose an unjust taxation upon an industry which is fast growing and educating the people throughout the United States. The writer has been in foreign countries for three years, and is well versed on censorship there.

SUN PHOTOPLAYER Co. (INC.),  
By A. C. LANGAN, *President.*

NEW YORK, N. Y.

Mr. J. W. BINDER,  
*Hotel Willard, Washington, D. C.:*

We desire, through you, to enter our protest against the passage of House bill 456, as it is in our opinion un-American, and can not possibly benefit the motion-picture industry or its patrons. We are opposed to censorship in all its forms.

WILLIAM L. SHERRILL.  
*President Frohman Amusement Corporation.*

HOLLYWOOD, CAL.

J. W. BINDER,  
*Hotel Willard, Washington, D. C.:*

Western exhibitors consider Federal censorship unnecessary and unfeasible. Regarded as medieval slur on American liberty.

KEHRLEIN, *President Kinema Circuit.*

NEW YORK, N. Y.

Mr. J. W. BINDER,  
*Hotel Willard, Washington, D. C.:*

House bill 456 is an absolute ban on free speech and the right to express thought. Federal censorship of pictures is unnecessary.

ERBOGRAPH CO.

NEW YORK, N. Y.

J. W. BINDER,  
*Hotel Willard, Washington, D. C.:*

We oppose censorship of motion-picture films, believing it neither essential nor necessary. Local censors, failing to grasp the true messages conveyed by pictures, greatly hinder us in our earnest endeavor to uplift the business. Some of the censors judging films never had any show experience. We have made motion pictures a life study.

PHOTO DRAMA CO.

SANTA BARBARA, CAL., *January 12, 1916.*

J. W. BINDER,  
*Motion Picture Board of Trade:*

As a representative of the motion-picture industry I earnestly implore you to do whatever possible in the way of voting down House resolution 456. Censorship is a detriment to better pictures.

WM. F. RUSSELL,  
*American Film Co.*

NEW YORK.

J. W. BINDER,  
*Care Hotel Willard, Washington, D. C.:*

Being unable to send representative to attend meeting of manufacturers before House Committee on Education regarding proposed Federal censorship, we take this means of expressing our disapproval of House bill 456, as we believe that such censorship would prove a decided menace to the manufacturers of motion pictures, as well as to the entire industry. We heartily support the opposition to said bill and sincerely hope that you will be successful in convincing the committee of the seriousness of the bill and the injurious consequences which are bound to follow if enforced.

GREAT NORTHERN FILM CO.

NEW YORK.

J. W. BINDER,  
*Hotel Willard, Washington, D. C.:*

Federal censorship of motion pictures will keep industry from progressing. We enter our protest through you.

UNITED STATES PRINTING & LITHO. CO.

NEW YORK, *January 14, 1916.*

J. W. BINDER,  
*Hotel Willard, Washington, D. C.:*

We, as publishers of the representative dramatic paper of America, oppose House resolution 456, concerning Federal censorship of motion pictures, as we believe it contrary to the freedom of expression guaranteed under the Constitution, and consider censorship of motion pictures no more necessary than of the press or the spoken drama.

NEW YORK DRAMATIC MIRROR,  
 L. O. FISKE, *Manager.*

LOS ANGELES, CAL., *January 12-13, 1916.*

J. W. BINDER,  
*Hotel Willard, Washington, D. C.:*

Speaking for scenario writers, motion-picture industry, would say Federal censorship is something we must fight. We feel it our right to have same freedom allowed playwrights. We don't ask for liberty, merely the freedom accorded other artists. Our aim not abuse, but right use of freedom to write. Success to you.

NELL SHIPMAN.

LOS ANGELES.

J. W. BINDER,  
*Hotel Willard, Washington, D. C.:*

Am positive House resolution 456 creating Federal censorship commission will receive protest entire film industry. As a member of Motion Picture Board of Trade of America, and Southern California board committee, I wish to register earnest protest against this bill, which, if passed, will be greatly detrimental to progress of photoplay art.

CLARK IRVINE,  
*Staff Correspondent Moving Picture World.*

LOS ANGELES, CAL., *January 12, 1916.*

J. W. BINDER,  
*Motion Picture Board of Trade of America,  
 care Hotel Willard, Washington, D. C.:*

Federal censorship entirely unnecessary in our opinion. Pictures should be as free as the press. We are much opposed to the censor commission.

CLUNE FILM PRODUCING CO.

LOS ANGELES, CAL., *January 13, 1916.*

J. W. BINDER,  
*Motion Picture Board of Trade of America,  
 care Hotel Willard, Washington, D. C.:*

Federal censorship entirely unnecessary in our opinion. Pictures should be as free as the press. We are much opposed to the censor commission.

CLUNE FILM PRODUCING CO.

SANTA MONICA, CAL., *January 12, 1916.*

J. W. BINDER,  
*Chairman Motion Picture Board of Trade,  
 Hotel Willard, Washington, D. C.:*

Please register my most vigorous protest against the creation of a Federal censorship by House resolution 456, as a photoplay author with more than 300 plays to my credit. I wish to go on record against a measure that can not help but injure one of the greatest and biggest industries in the country, and place the writers of photoplays in much the same position that writers find themselves in Russia and other countries where censorship is an institution. The Constitution of the United States guarantees free speech and a free press.

A censored motion picture is the same as a censored press; it is unfair, un-American in spirit, and against all the teaching of the men who founded this great Republic.

C. GARDNER SULLIVAN.

LOS ANGELES, CAL., *January 12-13, 1916.*

J. W. BINDER,  
*Hotel Willard, Washington, D. C.:*

The abuses possible under a system of Government censorship of motion pictures are too serious to contemplate. Such control as now proposed in bills before Congress are as foreign to American ideals as interference with free speech or freedom of the press would be. The Universal and every other producer recognize the great value of unselfish criticism and accept the suggestion of voluntary public boards, because the good of the people is the first and last consideration, and such boards are not influenced by personal gain or political expediency.

H. O. DAVIS.

LOS ANGELES, CAL., *January 12, 1916.*

J. W. BINDER,  
*Hotel Willard, Washington, D. C.:*

Reading pulse southern California filmdom, I transmit its message on subject Federal censorship. Unanimously, film powers and film public are utterly opposed to Federal censorship. Good luck to you in your fight against it, for it is a fight of right.

MABEL CONDON,  
*Chairman Southern California Committee,  
Motion Picture Board of Trade.*

LOS ANGELES, CAL., *January 12, 1916.*

J. W. BINDER,  
*Hotel Willard, Washington, D. C.:*

I know of nothing that could more forcibly thwart the advancement of motion-picture art than passage of House resolution 456; a narrower minded or unfair piece of legislation never has been proposed. It would be a cog in the wheel of a great industry's progress. We of the west coast committee are sure it will not go through.

KENNETH A. O'HARA,  
*Publicity Manager New York Motion-Picture Corporation.*

PHILADELPHIA, PA., *January 12.*

J. W. BINDER,  
*Executive Secretary Motion Picture Board of Trade of America:*

The instinct to look after your neighbor's morals, however unsuccessful you may be in looking after your own, is ineradicable in human nature. If printing were a new art invented, say in the nineteenth century, it would undoubtedly be under a comprehensive censorship. There would be a college of censors in the postal department to scrutinize every printed sheet that went through the mails. There would be State censors whose political activities had been of such nature as to inspire the governor with great faith in their general discretion.

New York, Chicago, and other large cities would have local boards, probably affiliated with the police departments and very zealous in seeing that the minds of the young were not corrupted by printed words which tended to raise doubts of the police department's intelligence and integrity. Recent issues of Chicago newspapers containing information that policemen had been indicted for grafting would have appeared with the corrupting columns carefully blacked over in the Russian manner.

Motion pictures are a new art, and a complicated system of censorship is growing up around them. There is no particular reason for censoring motion pictures more than anything else except that they are new and their unsettled status gives the censorious instinct a chance to assert itself. Crime of all sorts is constantly described in print that is within the reach of any literate child

possessed of a penny. It is constantly shown on the stage, the illusion of which is much more powerful than that of the motion picture. Motion-picture men themselves set up and supported the national board of censors because they wished the public to be assured that the entertainments were such as the public's wives and children could see without offense. A lot of State and city censors, each with his own notion of what is advisable for his neighbor to see, can not fail to become in the end an impertinent nuisance.

SATURDAY EVENING POST.

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Mr. J. W. BINDER,  
*Executive Secretary of the Motion Picture Board of Trade,*  
*18 East Forty-first Street, New York City.*

A Nero no longer fiddles while a fallen Rome burns to ashes. We are living in the twentieth century, in a century that has supposedly seen a tremendous advance beyond the state of civilization of the days when Nero amused himself with such musical pastimes. We are living in an age when the free thought and a free expression of thought, whether it be through the means of the newspaper, the pulpit, the stage, the magazine, or the films, is the right of every American citizen.

It is amazing, therefore, to hear of a bill which is diametrically opposed to this principle and seeks to bar free thought from one of the greatest of the mediums just mentioned, the motion-picture screen.

The Morning Telegraph would be opposed to a bill which considered snatching away the freedom of the press. It is just as radically opposed to a bill which seeks to turn back time in its flight and subject the twentieth century's greatest product to a measure the spirit of which belongs to the middle age.

The Morning Telegraph knows the motion-picture industry and the character of the men who have made it the second greatest industry in the land; it knows that the police regulations which have proved sufficient to prevent the exhibition of unpropriety and vice on the stage will be just as capable of preventing its appearance on the screen. It feels that if the Hughes Federal censorship bill or any other similar censorship bill becomes a law it will be one of the greatest calamities which has befallen the United States, which owes its existence to an unconquerable desire for freedom.

TRACY HAMMOND LEWIS,  
*Motion Picture Editor the Morning Telegraph.*

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NEW YORK, January 12, 1916.

Mr. J. W. BINDER,  
*Executive Secretary Motion Picture Board of Trade,*  
*18 East Forty-first Street, New York:*

It is our belief that Government censorship of motion pictures would fail of its purpose, both because the idea is out of line with our principles of freedom and also because Federal censorship will be neither popular nor efficient.

TO-DAY'S MAGAZINE.

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NEW YORK, N. Y.

J. W. BINDER,  
*Hotel Willard, Washington, D. C.:*

Enter protest on House bill 456 on behalf of the Motion-Picture Mail, New York. We are against this and all other censorship, being purely American.

JOHN W. SEMLER.

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MINNEAPOLIS, MINN., January 11, 1916.

MOTION PICTURE BOARD OF TRADE,  
*18 East Forty-first Street, New York:*

As publisher of Amusements, which covers the 12 Northwestern States weekly, from Lake Michigan to the Pacific coast, I wish to register an emphatic protest against House bill 456, which tends to create Federal censorship commission. From previous thorough discussion from all angles of the film industry, I can state with authority that the 7,000 theater owners in my territory strenuously object to this added danger to an immense, fast-growing, but infantile industry.

AMUSEMENTS,  
 THOMAS J. HAMLIN, *Publisher.*

SAN FRANCISCO, CAL., *January 11, 1916.*

J. W. BINDER,  
*Motion Picture Board of Trade,  
 18 East Forty-first Street, New York, N. Y.:*

The Call is unalterably opposed to censorship of motion pictures before production by any public body as being an infringement upon constitutional rights of free speech and free public expression. Movement now on in San Francisco for the abolition of existing censor board and Los Angeles taking similar action.

SAN FRANCISCO CALL-POST,  
 By R. R. HIEST, *Managing Editor.*

NEW YORK, *January 11, 1916.*

J. W. BINDER,  
*Executive Secretary Motion Picture Board of Trade,  
 18 East Forty-first Street, New York:*

In appearing at the hearing on Government censorship of motion pictures please be assured of the heartiest support we can conceivably give. The pictures should no more be subject to such censorship than newspapers, magazines, or theatrical productions. From experience both here and abroad as publishers, we are unalterably opposed to the measure as suggested.

THE A. D. PORTER CO.

BUFFALO, N. Y., *January 10, 1916.*

J. W. BINDER,  
*Executive Secretary Motion Picture Board of Trade,  
 18 East Forty-first Street:*

Quote me as opposed to Federal Government censorship. Is unnecessary, and would be additional burden on moving-picture manufacturers.

NORMAN E. MACK,  
*The Times, Buffalo, N. Y.*

CLEVELAND, *January 12, 1916.*

Mr. J. W. BINDER, *Executive Secretary,  
 Motion Picture Board of Trade of America,  
 18 East Forty-first Street, New York City.*

MY DEAR MR. BINDER: Acknowledging receipt of your very kind letter of January 11, I beg to say that you are at liberty to quote me at the hearing before the Education Committee, at Washington, as opposed to any form of motion-picture censorship other than that which is already available by virtue of Federal and State laws and city ordinances.

Very truly, yours,

ALFRED A. BENESCH.

SENTENCE ARGUMENTS AGAINST FEDERAL CENSORSHIP FROM EDITORIALS IN NEWSPAPERS THROUGHOUT THE UNITED STATES.

[Detroit Free Press, Sept. 21, 1915.]

The Barnett ordinance (creating a city censorship) should be defeated, because it takes from the police and prosecuting attorneys the duties naturally devolving upon them and bestows the same on private individuals or societies. The motion-picture theaters of Detroit have become public institutions with millions of dollars at stake in lands, buildings, and equipment. Their owners and the public have a right to protection from unfair and injurious legislation.

[Chicago Journal, Dec. 17, 1915.]

Motion pictures of prize fights are forbidden. Several large Chicago papers applaud. Yet these same papers devote full pages to showing actual scenes from the battle fronts in Europe. A prize fight does not kill. A battle picture that does not show men being destroyed by hundreds falls. Why permit one to be shown and deny the right to the other?

[Philadelphia Public Ledger, Sept. 30, 1915.]

"The free communication of thoughts and opinions is one of the inalienable rights of man, and every citizen may freely speak, write, and print on any subject, being responsible for the abuse of that liberty." (Art. I, sec. 7, constitution of Pennsylvania.) The fear of libel laws keeps the press within bounds, and the fear of the laws against exhibiting indecent, libelous, or immoral pictures will prevent the movie managers from offending public taste. Especially, if those who transgress are punished under the general laws covering such offenses.

[Chicago News, Nov. 2, 1915.]

If censorship is right in principle, why is it not extended to include every variety of entertainment? Why censor the 10-cent motion-picture play and exempt the \$2 so-called problem play?

[Washington (D. C.) Post, Jan. 2, 1916.]

The censors for Pennsylvania and Ohio have turned their thumbs down on the works of Mr. Shakespeare. Only five of the bard's masterpieces have passed them.

[Hartford Post, Dec. 11, 1915.]

We are glad to see the Pennsylvania censors taken down a peg. They decided that a certain film could not be shown until a piece of it had been eliminated. The owners of the film appealed to court. The judge looked at the picture, thrown on a screen in the courtroom, and decided that it was fit to be presented to the public.

[New York Evening Sun, Oct. 12, 1915.]

The Pennsylvania censors have decided that some 5,000 feet of the Carmen film is shocking and improper. These four judges are adamant in ruling that she must positively lose some of her feet. Think of it! As if the fetching Far rar could ever be shocking to anyone.

[St. Louis Republic, Oct. 29, 1915.]

The general public takes no great interest in the controversy over film censorship. Members of the tribe of Comstock and certain others who are greatly concerned that there shall be no ridicule of race and religions at the movies appear to be the active backers of censorship.

[Topeka Daily Capital, Oct. 24, 1915.]

Kansas is not the only State where Carmen was prohibited from being shown by the censors. In Ohio and Pennsylvania the scissors were wielded wholeheartedly, and finally the picture was kept from these States altogether, as it has been in Kansas.

COMMENT.—These are the three States in the Union that have State censorship.

[Louisville Herald, Oct. 15, 1915.]

The best of literature has been ransacked by the motion pictures for the children: Sindbad the Sailor, Robinson Crusoe, The Cricket on the Hearth, Three Little Bears, Cinderella, The Children in the Tower, form a feast spread for their enjoyment.

[State Journal, Topeka, Kans., Oct. 19, 1915.]

Who protects the morals of the movie censors from the "terrible" pictures they must see. Do not these have a perverting effect upon them? They are normal Kansas folk. Perhaps it is necessary that the morals of the censors be sacrificed, if need be, but their plight seems to be a sorry one, indeed.

[Cleveland Plain Dealer, Oct. 15, 1915.]

If Carmen had been a nice, ladylike young person, Prosper Merimee would not have written a novel about her, and Bizet would never have had a chance to make Merimee's story over into one of the most popular of all operas.

And, of course, no one would have made either novel or book into a picture play. And now because the Ohio board of moving picture censors commands that Carmen must be responsible and orderly. She must not smoke, for smoking is not commendable in young girls of Carmen's age. She must not do other things which do not conform to accepted twentieth century social standards. She must, in fact, be denatured. The example indicates not only the uselessness but also the large nuisance value of the State censor board. The time is not far distant when the censorship nuisance will be abated. It is a recrudescence of Puritanism wholly out of harmony with the times.

[Toledo Blade, Nov. 29, 1915.]

Kansas has barred Carmen. Could Geraldine Farrar, a big, clean, fine woman afford to risk her reputation as one of the world's greatest grand opera stars with a film that was not presentable? The mayor of Boston and other prominent men famed for their intellectuality and Puritanism welcomed the film and made of its showing a holiday.

[New York Evening Mail, Oct. 9, 1915.]

Censorship, why? The motion picture is an art form. As such, like art itself, it must be free to practice in accordance with its ideals. The decision as to whether those ideals are worthy is too important to be left to one or two or a hundred people. The judgment must be given by the people who will benefit or suffer by the recreations they support. When this course has been pursued in the past there have been no mistakes.

[Pittsburgh Chronicle, Oct. 9, 1915.]

If censorship is to be real in effect as well as in name, it should extend to the posters displayed outside the theaters and to the plays shown within. It is within the power of the patrons of motion-picture shows themselves to censor objectionable pictures. They have only to withhold their patronage from the theater showing them.

[Morning Union, Springfield, Mass., Sept. 20, 1915.]

Public sentiment is the saving force in such matters (pictures about which there is doubt). It has in the past prevented the exploitation of many unsavory plays not alone in the movies, but on the legitimate stage as well.

[Waltham (Mass.) News, Nov. 6, 1915.]

A State or national censorship of films probably would lead to the censorship of dramatic productions, and thence to magazines, books, and newspapers.

[Boston Herald, Nov. 8, 1915.]

The censorship of motion pictures by the States or Federal Government would put responsibility in the wrong place. As capable of misuse, moving pictures are not in a class by themselves. Books may carry moral poison. Unwholesome books are actually sold. By very long experience, the friends of law and order know it is wiser to deal with bad books after they appear instead of assuming that no publisher can be trusted.

[Messenger, Fremont, Ohio, Jan. 1, 1916.]

The censorship of moving-picture films has been made a political football by Gov. Willis. The result is that motion-picture exhibitors may be forced into politics. It has come to their knowledge that several films, after having been passed by the censor board have been recalled and rejected at the direct command of the governor. One of these is *The Birth of a Nation*. It was barred from Ohio by executive order, because it was objectionable to certain manipulators of the colored vote. In the same connection it is told that another film was handled by the censors and approved. Remonstrance was made by a colored politician to Gov. Willis. The film producer heard of it and said: "I'll have to see that fellow for \$100 or so." He must have seen him, for next day the governor was informed that the objections had been withdrawn, and again the film was approved and released.

[Montgomery (Ala.) Advertiser, Jan. 2, 1916.]

Why Federal censorship anyway? We have no official Federal board to sit in judgment upon American literature or American newspapers. We have no Federal juries to require orators to rehearse before them ere they may deliver their orations to a breathless public. But we do have adequate laws protecting the public against indecent literature, indecent newspapers, and indecent speakers. If persons violate these laws they can be punished after the act. We should have laws to protect society against indecent films. We have such laws already. We don't need any more Federal guardians.

[Lawrence (Mass.) Eagle, Nov. 4, 1915.]

A body of nonexpert guardians of public morals is a sore and needless irritation to the public.

[Joplin (Mo.) Globe, Dec. 16, 1915.]

Standards of people vary surprisingly along the line. If every scene that possibly may offend somebody were to be eliminated from the average film, there wouldn't be a great deal of it left.

[Motography, Chicago, Oct. 2, 1915.]

Theater men in Kansas City, Kans., object to the State censorship law, and said so on their screen by means of a film tailpiece. The State board, with all the assurance of a European military censor, cut off the tailpiece and refused to be criticized.

[New York Evening Mail, Oct. 15, 1915.]

There is no more need of censorship for motion pictures than there is for censorship of newspapers, for certainly it can not be claimed that the sensational newspaper is less potent in its influence than the film drama.

[Elizabeth (N. J.) Times, Dec. 11, 1915.]

Moving pictures are not only educational but are unobjectionable to at least 90 per cent of the population, and the authorities would make no mistake in observing this point.

[Beaver Falls (Pa.) Tribune, Sept. 20, 1915.]

The courts of Allegheny County have in a recent decision nullified the police rights of Pennsylvania cities. By declaring that the State board of censors for moving pictures is the final authority, they have taken away the fundamental power of each city to govern itself. It is impossible to believe that this decision will stand when once its meaning has been made clear. The board of censors has plenary power to allow or disallow films for exhibition in this State. The tyranny of this body has been suffered only because appeals to the courts and to the police have been available as a check upon it. Now the court has decided that when a film has passed the censors it can not be stopped by the police.

The full effect of this decision is to tie the hands of individuals and to deliver the cities bound and gagged into the hands of the board. The censorship of plays properly rests with the people. Their protests are carried out by the police and by the court. There is nothing inherently wrong with the movies to make another kind of censorship necessary. And there is nothing sacrosanct about the board of censors to make its decisions irrevocable.

[Boston Transcript, Nov. 18, 1915.]

The unfortunate results of municipal censorship of motion pictures are making themselves felt in Boston, and should serve as a warning to other cities which are contemplating anything of the kind to give the matter most thorough consideration before entering on a policy that is in principle opposed to American ideas and American ways.

[Bridgeport (Conn.) Telegram, Dec. 14, 1915.]

The Georgia Chamber of Commerce has prepared a motion-picture film of 5,000 feet in length giving views of the various phases of Georgia's agricultural and

industrial activities. Among them are pictures of the cotton industry, from planting and chopping time, through the various processes to the finished product of the mills.

We wonder if these mill pictures show the children from 12 to 15 at work? Or has Georgia a board of censorship that eliminated that little feature?

[St. Louis (Mo.) Post Dispatch, Nov. 4, 1915.]

If Park Commissioner Cunnelliffe's motion-picture censorship bill passes there will soon be a demand for an enlargement of his field of activity. The people will want him to decide what the newspapers shall print, what drama shall be produced, and what books they shall read. Perhaps he will be asked to censor the sermons delivered from the pulpits and speeches to be made at public meetings. He will become our mental and moral dictator.

[Philadelphia Public Ledger, Sept. 22, 1915.]

There is no more need to censor moving pictures than there is to censor literature, the regular theater, or the newspapers. The circulation of a nasty publication is prevented by the police. They likewise would prevent the exhibition of a motion picture that was obviously unfit to be shown. This is a natural censorship, to which there can be no valid objection.

[Cleveland Plaindealer, Oct. 30, 1915.]

The people themselves who daily throng the motion-picture theaters of this city and State are the best censors.

[Philadelphia Evening Telegraph, Oct. 12, 1915.]

The moving picture is not an incentive to crime. Certain abnormal youths may commit crimes after seeing pictures, precisely as some men may rob a jeweler's window after gazing at the rich display it contains. These circumstances, however, indict neither the moving picture nor the jeweler's display.

[Waltham (Mass.) News, Sept. 28, 1915.]

The principle of censorship is one wholly foreign to American ideals. Liberty of the press and the stage has always been insisted upon. There are enough police regulations to put down the obscene and the nasty. The purely vulgar is taken care of by the force of public opinion.

[Houston (Tex.) Chronicle, Oct. 14, 1915.]

When the board of censors assumes to deal with any picture such as *The Birth of a Nation*, which is free from immoral, lascivious, or purient suggestiveness, and which only portrays the truth of history and deals with questions of social and historical importance, then it passes beyond any legal line and trenches upon the right of free-born citizens, who are capable of judging for themselves what they should or should not see.

[Memphis (Tenn.) Commercial Appeal, Nov. 9, 1915.]

High moving-picture exhibitors in Cleveland have adopted the policy of curfew regulation, by which children unaccompanied by adults are sent home at 9 o'clock. This is a regulation which could well be adopted by motion-picture theaters all over the country. The place for children at 9 o'clock in the evening is at home.

[Atlantic City (N. J.) Press, Oct. 14, 1915.]

In days not long past it was the practice of lazy thinkers to blame the dime novel and the cigarette for crime among juveniles; to-day the same class levels its absurd charges against the motion picture. The guardianship of children does not stop at the door of the moving-picture theater, and parents who allow their children to go without knowing what they are likely to see can not escape responsibility for their carelessness any more than if they were to allow them to attend the performances at the regular theaters indiscriminately. The only effective censorship is the registration of public opinion.

[New York (N. Y.) Morning Telegraph, Nov. 21, 1915.]

Harold J. Mitchell, of the Twenty-first New York District, father of last year's State censor bill, was defeated for reelection because of his championship of the obnoxious measure. There are indications of a wide awakening of the American people to the fact that puritanical interference with innocent amusements is a species of tyranny which they have too long endured. It is bound to become as extinct as the "dodo."

[Chicago Tribune, Nov. 25, 1915.]

We see no reason why this censorship innovation should remain within the narrow confines of the moving picture theater. There is a world of error to conquer. The press daily or twice daily pours forth its torrent of comment and report. Officials are subjected to criticism. Events which must stir the moral reprobation of the censorial conscience are minutely reported. Besides, there are the books, the rostrum, and the pulpit—all of these constantly offend against the convictions and predilections, sentiments and standards of the board of censors, who confine the safeguards of censorship to the humble and comparatively unoffending "movie."

[St. Louis (Mo.) Post Dispatch, Nov. 1, 1915.]

The Post-Dispatch believes in free speech and free writing with individual responsibility for violation of law. We have never favored censorship of any kind—speech, press, drama, or literature. The public is a sufficient censor of productions that violate good taste and offend the moral sense.

[Pawtucket (R. I.) Times, Jan. 3, 1916.]

The bill creating Federal censorship of moving pictures, now in the hands of the House committee, belongs in the category of avuncular legislation. The people won't go far astray in deciding for themselves what is proper and what is improper in filmdom. Uncle Sam has taken the trouble of regulating morals on more than one previous occasion, and he has proven himself a conspicuous failure at such work.

[Columbus (Ohio) Journal, Oct. 8, 1915.]

In our so frequent discussions of the ethical side of entertainments, and especially in regard to the moving pictures, a great deal is said about "the protection of the children." But there will always have to be discrimination on the part of the parents, and no public censor can ever take the place of that.

[Bridgeport (Conn.) Telegram, Sept. 28, 1915.]

Freedom of speech in this Nation applies to the graphic and the photographic, as well as the vocal. In Russia "they can suppress a picture, not only a picture, but a photograph or drawing" just because the Government does not like it. We can not do so in this country. The community, however, has a right to protect its morals. The chief of police is officially and really the censor, and it ought to be left to him without interference.

[Columbia (S. C.) Record, Oct. 20, 1915.]

The one censorship which can be effective is the good taste of the people who make up a community.

[St. Joseph (Mo.) Gazette, Dec. 15, 1915.]

The censor rejects merely because he, personally, does not approve of the picture. He approves for the same reason. The pulpit was almost unanimous in commending the film pictures of John Barleycorn, yet it contained more drinking scenes than any other photoplay made. Local or national censorship fails. At present no two people will agree; the city will not accept the judgment of the State; nor the State that of the Federal Government.

[Times, Brockton, Mass., Sept. 24, 1915.]

Really, the best censor is a calm public mind reinforced by the shrewd sense of the amusement purveyor.

[Fort Collins (Colo.) Review, Oct. 23, 1915.]

The idea which had the public morals as its basis when the boards of censorship were formed has proven a boomerang to public officials. This kind of thing seems inherent in the practice of censorship. When the Government dabbles in private morals, condemnation is sure to follow. Censorship should not rest with any small group of people.

[St. Louis (Mo.) Times, Oct. 6, 1915.]

A local system of censorship of motion pictures would put a lot of busy-bodies in charge of one of the most rapidly growing industries in the world. This is what censorship of motion pictures means. We feel sure that the board of aldermen will not endow our moral guardians with the authority they seek. They are bad enough as it is.

[Portland (Oreg.) Journal, Nov. 11, 1915.]

If censorship is good in principle it should properly be extended to include every variety of amusement.

[Boston (Mass.) Transcript, Jan. 6, 1915.]

So absurd are the regulations of the boards of moving-picture censors and the standards which they have raised, they have frequently been made the subject of much ridicule. Only five of Shakespeare's plays would escape at the hands of these censors.

[Portland (Oreg.) Journal, Dec. 29, 1915.]

If the city has the right to censor moving pictures before being shown, why not have a board to examine the traveling "legit" shows before allowing the public to see them? The cases are perfectly analogous and parallel.

[Hackensack (N. J.) Republican, Dec. 16, 1915.]

Pennsylvania and Ohio movie censors cut out Romeo and Juliet because Juliet is a girl in her teens conducting herself in a most unmaidenly fashion and the play abounds in kisses and passionate love scenes. Having thus eliminated the great dramatist's art, the censors passed without question modern society dramas showing elopements, assignations, murders, and suicides. The censor is a rare animal.

[Norwalk (Ohio) Reflector-Herald, Oct. 18, 1915.]

Hail to the Ohio board of censors! We would like to say for the sake of alliteration, the board of sensible censors. But to call the Ohio board of censors sensible would not be true. We fear the board needs the broadening influence of travel and the education that goes with it.

[New Orleans States, Jan. 5, 1916.]

Moving pictures offensive to good taste or calculated to do injury to public morals ought to be kept out of the theaters. But it would seem to be possible to attain that object through the passage of adequate laws without having to impose a cumbersome Federal censorship, and such a censorship would be especially objectionable if it served as a basis for encroachments upon the liberty of the press.

[New York Tribune, Jan. 15, 1916.]

And this brings us to the real censorship now in force—public opinion. There is nothing stronger in the world than public opinion. Producers realize this fully and manufacture accordingly. But even if they were senseless enough to run counter to the popular current, every policeman, every village constable, every citizen has the right to cause the arrest of anyone exhibiting any picture tending to imperil public morals in any way.

You, who read this, can cause the arrest of any exhibitor—if the picture he displays warrants such a course. That is why censorship seems a superfluous waste of energy and money and an imposition on the film world.

[Herald, Chicago, Ill., Jan. 8, 1916.]

Chicago is being accorded a view of the stage drama *The Song of Songs*. This strikes us as an interesting matter of film comment because it is the season's most vivid illustration of how the screen drama is being discriminated against. We haven't a doubt if this version of Sudermann's story was pictorialized in its present form and presented to the Chicago Board of Censors, the Ohio Board of Censors, or the Pennsylvania Board of Censors that these scrupulously wholesome guardians of their brothers' morals would rise from their chairs in one unified protest and drop back prostrated at the violence done their concepts of dramatic proprieties.

We trust, however, that the producers of the country will attempt no such violence, for it doubtless would leave these censoring savants so wrought up with righteous indignation that for 12 months they would require every table leg to be draped and every love scene wherein a chaperon was not present to be cut to a glimmer.

*The Song of Songs* brings out in bold relief the fact of the unreasoning discrimination which film art is heir to. Its elder brother, stage art, having attained its majority, is the captain of his own destiny; but this incorrigible, headstrong youngster, the motion picture, must be fettered and censored and taught that he must earn his right to rear his head among the established arts.

[Harper's Weekly, New York, Jan. 23, 1915.]

Freedom of speech and publication is guaranteed in the Constitution of the United States and in the constitutions of practically all the States. Unjustifiable speech or publication may be punished but can not be forbidden in advance. A special interest, therefore, lies in the case of the Mutual Film Corporation *v.* The Industrial Commission of Ohio, now before the Supreme Court of the United States. It seems at first rather violent to call such a pictorial representation a publication, but the more it is reflected on the more plausible it seems. The supreme court of California held a regular theatrical production could be protected from injunction on the ground that it was a publication. Mayor Gaynor said: "Ours is a Government of free speech and a free press. That is the cornerstone of free government. The phrase 'the press' includes all methods of expression by writing or pictures. \* \* \* If this (moving picture) ordinance be legal, then a similar ordinance in respect of the newspapers and the theaters generally would be legal."

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ACTORS, DIRECTORS, AUTHORS.

JANUARY 11, 1916.

HON. DUDLEY M. HUGHES,  
*Chairman Education Committee*  
*House of Representatives, Washington, D. C.:*

Prepublicity censorship of motion pictures belongs to Russia. It is foreign to the United States. If it is right for Congress to criticize motion pictures before they may be shown, then a censorship of the press and the book is equally justifiable. Both are unthinkable. Hence I earnestly protest against House resolution 456 now before your committee.

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PATHE EXCHANGE (INC.).

JANUARY 12, 1915.

HON. DUDLEY M. HUGHES,  
*Chairman Education Committee,*  
*House of Representatives, Washington, D. C.:*

Prepublicity censorship of motion pictures belongs to Russia. It is foreign to the United States. If it is right for Congress to criticize motion pictures before they may be shown, then a censorship of the press and the book is equally justifiable. Both are unthinkable. Hence, I earnestly protest against House resolution 456 now before your committee.

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P. A. PARSONS.

HON. DUDLEY M. HUGHES,  
*Chairman Educational Committee,*  
*House of Representatives, Washington, D. C.:*

Prepublicity censorship of motion pictures belongs to Russia. It is foreign to the United States. If it is right for Congress to criticize motion pictures

before they may be shown, then a censorship of the press and the book is equally justifiable. Both are unthinkable. Hence, I earnestly protest against House resolution 456 now before your committee.

JOHN BLANCHARD CLYMER,  
*Pathé Exchange (Inc.), New York City.*

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NEW YORK, January 12, 1916.

HON. DUDLEY M. HUGHES,  
*Chairman Education Committee,  
House of Representatives, Washington, D. C.:*

Prepublicity censorship of motion pictures belongs to Russia; it is foreign to the United States. If it is right for Congress to criticize motion pictures before they may be shown, then a censorship of the press and the book is equally justifiable. Both are unthinkable. Hence I earnestly protest against House resolution 456, now before your committee.

W. A. S. DOUGLAS,  
*Pathé Publicity Director.*

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NEW YORK, January 12, 1916.

HON. DUDLEY M. HUGHES,  
*Chairman Education Committee,  
House of Representatives, Washington, D. C.:*

Prepublicity censorship of motion pictures belongs to Russia; it is foreign to the United States. If it is right for Congress to criticize motion pictures before they may be shown, then a censorship of the press and the book is equally justifiable. Both are unthinkable. Hence I earnestly protest against House resolution 456, now before your committee.

G. A. SMITH,  
*Pathé Serial Director.*

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NEW YORK, January 12, 1916.

HON. DUDLEY M. HUGHES,  
*Chairman Education Committee,  
House of Representatives, Washington, D. C.:*

Prepublicity censorship of motion pictures belongs to Russia; it is foreign to the United States. If it is right for Congress to criticize motion pictures before they may be shown, then a censorship of the press and the book is equally justifiable. Both are unthinkable. Hence I earnestly protest against House resolution 456, now before your committee.

GEO. B. SEITZ, *Pathé.*

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JANUARY 10, 1916.

HON. DUDLEY M. HUGHES,  
*Chairman Education Committee,  
House of Representatives, Washington, D. C.:*

Prepublicity censorship of motion pictures belongs to Russia. It is foreign to the United States. If it is right for Congress to criticize motion pictures before they may be shown, then censorship of the press and a book is equally justifiable. Both are unthinkable, hence I earnestly protest against House resolution 456 now before your committee.

FRANCIS X. BUSHMAN.

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JANUARY 10, 1916.

HON. DUDLEY M. HUGHES,  
*Chairman Education Committee,  
House of Representatives, Washington, D. C.:*

I wish to strongly protest against House resolution 456, now before your committee, as I do not see where Congress has the right to criticize motion pictures any more than they have to criticize newspapers and literature of the country. I sincerely hope the bill will not become effective. It is most unfair to the motion-picture industry.

HAMILTON REVELLE.

JANUARY 10, 1916.

Hon. DUDLEY M. HUGHES,  
*Chairman Education Committee,  
House of Representatives, Washington, D. C.:*

Have just been advised that there is a House resolution 456 now before your committee, intended to control the censoring of motion pictures. I hasten to enter my protest against such a measure, as it would be manifestly unfair to the motion-picture business.

EDMUND BREESE.

JANUARY 11, 1916.

Hon. DUDLEY M. HUGHES,  
*Chairman Educational Committee,  
House of Representatives, Washington, D. C.:*

House resolution 456 is entirely foreign to the Constitution of the United States, and I wish to protest most earnestly against this czarlike proposition.

MILTON FAHNEY.

JANUARY 11, 1916.

Hon. DUDLEY M. HUGHES,  
*Chairman Educational Committee,  
House of Representatives, Washington, D. C.:*

Wish to protest against House resolution 456 as belonging to the dark ages and not to these enlightened days of free citizenship, as represented by our United States Constitution.

GEORGE OVEY.

JANUARY 11, 1916.

Hon. DUDLEY M. HUGHES,  
*Chairman Educational Committee,  
House of Representatives, Washington, D. C.:*

Earnestly protest against House resolution 456 now before your committee. This belongs to Russia and not to these free United States.

MARGARET GIBSON.

JANUARY 11, 1916.

Hon. DUDLEY M. HUGHES,  
*Chairman Educational Committee,  
House of Representatives, Washington, D. C.:*

House resolution 456 now before your committee is injurious to the rights of United States citizens as provided for by the Constitution, and I wish to protest most earnestly against this.

CRANE WILBUR.

JANUARY 11, 1916.

Hon. DUDLEY M. HUGHES,  
*Chairman Education Committee,  
House of Representatives, Washington, D. C.:*

Wish to protest against the Prussianizing of the Constitution as proposed in House resolution 456, now before your committee.

HUGH RETICKER, *Director.*

JANUARY 11, 1916.

Hon. DUDLEY M. HUGHES,  
*Chairman Educational Committee,  
House of Representatives, Washington, D. C.:*

House resolution 456, now before your committee, is against all principles of our country and Constitution, and wish to protest most vigorously.

IRVING CUMMINGS.

JANUARY 11, 1916.

HON. DUDLEY M. HUGHES,  
*Chairman Educational Committee,*  
*House of Representatives, Washington, D. C.:*

Wish to protest against House resolution 456, now before your committee, as against all the principles of this country.

CHARLES HENCKEL.

JANUARY 11, 1916.

HON. DUDLEY M. HUGHES,  
*Chairman Educational Committee,*  
*House of Representatives, Washington, D. C.:*

Earnestly protest against House resolution 456 now before your committee. It is foreign to the policy of the United States Constitution.

CAPT. JACK BONAVITA.

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ACTORS.

Can proposers of moving-picture censorship bill justify action without similar legislation affecting public press, spoken drama, art exhibits, etc.? Earnestly protest against passage.

Francis Ford, Grace Cunard, Dorothy Davenport, Agnes Vernon, William Worthington, Gretchen Lederer, Harry Myers, Rosemary Theby, Eddie Lyons, Lee Moran, Eddie Polo, Billie Ritchie, Ella Hall, Robert Leonard, Lois Weber, Phillip Smalley, Marie Walcamp, Rex de Rosselli, Harry D. Carey, Harry Carter, Maude George, Douglas Gerrard, Edna Maison.

After years of experience, both stage and moving pictures, am in position to know average of film plays sets higher standard of morality than spoken drama. Earnestly protest passage of censorship bill.

King Baggot, William Garwood, Hobart Henley, Mary Fuller, Jane Novak, Herbert Rawlinson, Ben Wilson, Dorothy Phillips, Matt Moore, Jane Gail, Harry Benham, Rupert Julian, Elsie Jane Wilson, Stella Razeto, Lois Wilson, Billie Rhodes, Alice Howell, Gertrude Selby, Gale Henry, Cleo Madison, William Dowlan, Gloria Fonda, Myrtle Gonzales, Murdock MacQuarrie, Olive Fuller Golden.

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DIRECTORS.

Of all arts of public expression moving pictures are cleanest and least need of prepublication censorship. Proposed bill violates constitutional rights. Threatens most severely self-censored of all industries. Please register earnest protest.

Mr. Carleton, Al E. Christie, Ray Clements, Allen Curtis, Horace Davey, Jos. De Grasse, Wm. C. Dowlan, Francis Ford, Jacques Jaccard, Rupert Julian, Robert Leonard, Ed. J. Le Saint, Cleo Madison, Henry Otto, Lynn Reynolds, Phillips Smalley, Richard Stanton, Otis Turner, Wm. Worthington, Jack Harvey, and R. Fielding.

As a moving-picture director we know them to be made with greatest regard for public morality. In consequence cleaner than average newspaper and least need of outside censorship. Proposed bill imposes tax which must ultimately fall on public. We protest passage of bill.

Matt Moore, Harry C. Myers, Ben Wilson, Brinseley Shaw, Lucius Henderson, H. McRae Webster, Lois Weber, Stuart Peyton, Raymond Schrock, Chas. Weston, Al Hulubar, H. C. Matthews, H. Pathe Lehrman, Paul Bourgeois, Mr. Hunt, Mr. Cochrane, H. McRae, Mr. Shields, Mr. Vale, and Mr. Kelley.

CHICAGO, Ill., *January 10, 1916.*

J. W. BINDER,  
*18 East Forty-first Street, New York:*

Please use every effort against House resolution 456 now before committee, which would create moving-picture censorship. As a theater owner acquainted with the dangers of complicated and unnecessary censorship I urge you to strongly protest the further consideration of this resolution.

IRVING SHUMAN.

NEW YORK, *January 12, 1916.*

J. W. BINDER,  
*Executive Secretary Motion Picture Board of Trade:*

We protest against any such un-American idea as Government censorship of motion pictures.

J. A. HANFF,  
*President Hanff Metzger (Inc.)*

JANUARY 12, 1916.

HON. DUDLEY M. HUGHES,  
*Chairman Education Committee,  
 House of Representatives, Washington, D. C.:*

Prepublicity censorship of motion pictures belongs to Russia. It is foreign to the United States. If it is right for Congress to criticize motion pictures before they may be shown, then a censorship of the press and the book is equally justifiable. Both are unthinkable. Hence I earnestly protest against House resolution 456 now before your committee.

M. RAMIREZ TORRES,  
*Assistant General Manager, Pathe.*

JANUARY 12, 1916.

HON. DUDLEY M. HUGHES,  
*Chairman Education Committee,  
 House of Representatives, Washington, D. C.:*

Prepublicity censorship of motion pictures belongs to Russia. It is foreign to the United States. If it is right for Congress to criticize motion pictures before they may be shown, then a censorship of the press and the book is equally justifiable. Both are unthinkable. Hence I earnestly protest against House resolution 456 now before your committee.

L. J. GASNIER.

NEW ROCHELLE, N. Y., *January 10, 1916.*

MOTION PICTURE BOARD OF TRADE OF AMERICA (INC.),  
*18 East Fortieth Street, New York City.*

GENTLEMEN: We regret that we are unable to be represented personally at the time assigned to your committee to appear before the House Committee on Education. We would like to be with you, so that we could forcibly register our opposition to House bill 456, creating a Federal censorship board.

We regard moving pictures as a new means of expression, and therefore should be allowed the same freedom and latitude as is accorded to the press, the published book, the pulpit, the stage, the platform, or any one of the methods we have of conveying thought.

We are opposed to any curtailment of the right of free speech or expression, and we believe such curtailment to be un-American and in conflict with our constitutional rights as American citizens.

Public opinion and our present laws, we believe, are sufficient to prevent an abuse of this license, just as it practically prevents an abuse, in our country, of every other form of freedom of speech.

We earnestly hope that House bill 456, creating a Federal censorship board, will not be passed.

Yours, very truly,

THANHOUSE FILM CORPORATION,  
 EDWIN THANHOUSE, *President.*

JANUARY 11, 1916.

HON. DUDLEY M. HUGHES,  
*Chairman Education Committee,*  
*House of Representatives, Washington, D. C.:*

Prepublicity censorship of motion pictures belongs to Russia. It is foreign to the United States. If it is right for Congress to criticize motion pictures before they may be shown, then a censorship of the press and the book is equally justifiable. Both are unthinkable. Hence I earnestly protest against House resolution 456, now before your committee.

L. J. GASNIER.

JANUARY 11, 1916.

HON. DUDLEY M. HUGHES,  
*Chairman Education Committee,*  
*House of Representatives, Washington, D. C.:*

Censorship of motion pictures would be an unthinkable invasion of the rights of the free press and free speech. I protest against House resolution 456, now before your committee, as an attempt to establish in America bureaucratic powers which belong only in darkest Russia. It stands for something unthinkable and impossible.

J. C. GRAHAM,  
*Assistant to the President Mutual Film Corporation.*

JANUARY 11, 1916.

HON. DUDLEY M. HUGHES,  
*Chairman Education Committee,*  
*House of Representatives, Washington, D. C.:*

House resolution 456, now before your committee, stands for an effort to cast into Federal law that which would tend to destroy our institution of the free press and to undermine the basic principles of American liberty. I do not speak for the motion-picture industry alone, but in behalf of a public asleep on its rights.

JOHN R. FRENLER,  
*President Mutual Film Corporation.*

JANUARY 11, 1916.

HON. DUDLEY M. HUGHES,  
*Chairman Education Committee,*  
*House of Representatives, Washington, D. C.:*

I protest against House resolution 456, now before your committee, as representative of an effort to enact into Federal law an un-American principle of bureaucracy. The establishment of a Federal censorship of motion pictures would be an invasion of the rights of our free press and free speech.

JOSEPH H. FIN,  
*President Vogue Films (Inc.).*

JANUARY 11, 1916.

J. W. BINDER,  
*Executive Secretary Motion Picture Board of Trade:*

Present my respects to the congressional committee now sitting to determine the advisability or nonadvisability of establishing Federal censorship of motion pictures. Please say to them that if the circumstances were reserved, that if they were in the motion-picture business expending thousands of dollars trying to make the best possible films from the best obtainable books, I believe they would see the positive injustice of having their work passed upon by two or three or five men whose qualifications might not enable them to judge the things which the entire country might wish to see. You and I have seen boards turn down such plays as the *Life of Our Saviour* because they thought it might offend the Hebrews; *Hypocrites* because it might offend hypocrites; *Birth of a Nation* because it might offend the negroes; *John Barleycorn* because it might offend the whisky interests; and others just as absurd. In fact, I believe it to be true that where you clothe any body of men with autocratic power, the tendency of human nature is to exercise this autocracy irrespective

of justice to the individual. Great danger lies to our Nation in the clothing by Congress of any body of men with such bureaucratic power because of the possible misuse of such power. Nor, in my judgment, would the establishment of a Federal board prevent the spread of State boards of censorship due to the Government's apparent recommendation of such a principle. Censorship in any form, which does not define what a manufacturer shall do in order not to transgress the law, is not in accordance with the ideas on which this country was founded. When you define what a man shall or shall not do, prior to his doing it, he himself is at fault if he transgresses. But no set of rules has been nor will it ever be devised, telling a man what kind of a sermon to preach, what kind of an article he shall write, what kind of a picture he shall paint, what kind of a motion picture he shall make. The message of the motion picture or of the play lies largely in the motive of the man who makes it. A minister from his pulpit may use the word "hell" and in this connection society may condone it. A tough on the street may use it as an oath, in which case it gives offense. Shakespeare's phrases, used by a man of less ability and historic and histrionic worth might offend many. The remedy for the protection of the youth or our country lies, therefore, not in the establishment of Federal censorship, but in the enforcement by local authorities of those laws which are now on the statute books which have ably protected communities from transgression against decency. In the light of extended experience with such censor boards I unhesitatingly say that they offer much opportunity for favoritism and graft by reason of their very nature, and I vehemently protest against the Government lending its weight and good name to any plan which is liable to be put to such uses.

CARL H. PIERCE,  
Special Representative Oliver Morosco Photoplay Co.  
BOSWORTH (Inc.),  
Pallas Pictures.

JANUARY 11, 1916.

HON. DUDLEY M. HUGHES,  
Chairman Education Committee, House of Representatives,  
Washington, D. C.:

Prepublicity censorship of motion pictures belongs to Russia. It is foreign to the United States. If it is right for Congress to criticize motion pictures before they may be shown, then a censorship of the press and the book is equally justifiable. Both are unthinkable. Hence I earnestly protest against House resolution 456 now before your committee.

THE AMERICAN CORRESPONDENT FILM CO. (INC.),  
220 West Forty-second Street, New York, N. Y.

JANUARY 10, 1916.

HON. DUDLEY M. HUGHES,  
Chairman Education Committee, House of Representatives,  
Washington, D. C.:

There is a law in every State to prevent the exhibition of improper motion pictures and to punish the offenders. Censorship makes that law inoperative. Prepublicity censorship of motion pictures is a disgrace to a free country and an insult to a gigantic industry. Censorship is un-American. The press and book are uncensored. It is equally unthinkable to censor the motion picture. I earnestly protest against House resolution 456 now before your committee.

J. STUART BLACKTON.

COMMITTEE ON EDUCATION,  
HOUSE OF REPRESENTATIVES,  
January 19, 1916.

The committee this day met at 8 o'clock p. m., Hon. Dudley M. Hughes (chairman) presiding.

The CHAIRMAN. The committee will please come to order. Mr. Binder, I believe you have the floor.

Mr. BINDER. Mr. Chairman, I have here 35 protests, similar to those heretofore put into the record, and I will not burden you with reading them into the record, if you will allow me.

Also a protest by the Motion Picture Exhibitors' League, of the State of Indiana.

Also a telegram from Thomas Dixon, which was read into the Congressional Record to-day, just a short telegram.

(The papers referred to are as follows:)

[Telegram.]

NEW YORK, N. Y.

HON. JAMES E. MARTINE,

*United States Senate, Washington, D. C.:*

Censorship of motion pictures is the most dangerous attack on American liberties since the foundation of the Republic. The motion picture is a process of recording thought on yellow parchment without the use of printer's ink, and is as great an advance on printings as Guttenberg's invention was over the quill pen. The printing press revolutionized the world by bringing knowledge within the reach of thousands. The motion picture brings knowledge within the reach of hundreds of millions. To strangle this great art in its infancy will be a crime against humanity. Free speech is the foundation of our Republic. There is no reason for censorship. The motion picture is now cleaner than the spoken drama or the press. The police powers of the State are already ample. Any citizen can close any theater within an hour if the laws of morality are violated. A censorship of opinion is the aim of our enemies. Our fathers fled the Old World to escape this and founded the Republic to free the human mind from such shackles. Shall we go back to the dark ages? I first preached the Clansman as a sermon. No censor dared to silence my pulpit. I turned my sermon into a lecture and delivered it from Maine to California without license. I turned the lecture into a novel, and no censor has yet stopped the press of Doubleday, Page & Co. I turned the novel into a spoken play, and no censor has dared to interfere. I turned the play into a motion picture, and it has cost me \$75,000 in lawyers' fees to fight the local censors the first 10 months. This condition of affairs is infamous. It is the immediate duty of Congress to reaffirm the principles of free speech in America and abolish all censors.

THOMAS DIXON.

*To the honorable Committee on Education and Labor,*

*United States Congress:*

Mr. Chairman and gentlemen of the committee, the Motion-Picture Exhibitors' League of the State of Indiana protests against the passage of a Federal censorship bill and are not in favor of any form of legalized censorship of motion pictures, because such a law is unnecessary, impractical, and would in its operation be such a hindrance and injury to the moving-picture industry as to verily destroy it entirely. We present the following facts to substantiate the above statement:

Legalized censorship is unnecessary because the present program of motion pictures presented throughout the United States, in all moving-picture theaters, is of such a high moral character that there is nothing objectionable being exhibited, therefore there is nothing that should be censored. This fact is proven because no particular class of people, but all people, patronize moving-picture theaters; therefore what is done by all the people is fundamentally moral; besides, the most earnest, sincere, and best citizens everywhere recognize this form of amusement as being highly commendable and desirable in every way. Furthermore, the only complaint against moving pictures that ever arises comes entirely from agitators and professional reformers who either never attend moving-picture presentations, or seek office and power and self-aggrandizement by means of slanderous statements and the bearing of false witness. A pertinent illustration is the fact that Mrs. Barber, the wife of one of the speakers, on Friday evening's hearing, stated to a gentleman present, "I have never attended a moving-picture theater in my life and believe they should all be suppressed." Dr. Craft stated openly that he is going into the moving-picture business himself, and we presume he wants the power of

censoring the pictures so that only his pictures will be used. It is easy to realize the power and financial gain possible where a few persons can say what moving pictures shall consist of. No one person or group of persons should be given such tremendous power and advantage.

Another instance of the above truth: About three years ago a professional reformer and agitator came into Indiana and began to poison the public's mind against our moving-picture theaters by stating, "Pictures are being shown that are indecent, immoral, and objectionable." Exhibitors of Indiana resented this reflection on their business and invited all moral-welfare citizens to meet the exhibitors to discuss the matter. About 100 citizens, composed of ministers of every church, public men, and those who have to do with the moral uplift of the community met the moving-picture exhibitors at the Y. M. C. A. assembly room. Instead of a long-winded argument the matter was placed entirely on a question of fact. Every person present was asked this question. "When, where, and what picture have you knowledge of being shown in Indianapolis or the State of Indiana that was immoral and objectionable?" The record of that meeting shows that not one concrete instance was brought in evidence that any immoral pictures were shown; that over one-half of the citizens present had never seen a moving picture; and those who were patrons of the moving-picture theater were highly commendable in their praise of moving pictures.

Another pertinent instance: At the last session of the Legislature of the State of Indiana a State censorship bill was introduced and a similar meeting held before the committee on public morals and the same question asked. Again, not one concrete instance was given where an immoral picture was or had been shown in Indiana, and as a result the bill was reported unfavorably and unnecessary.

The same pictures shown in Indiana are shown everywhere; therefore the above facts prove conclusively the high character of the motion-picture program everywhere.

An instance to prove that no immoral pictures are even available for exhibition: A fraternal order desired to give a "stag" party and called upon the General Film Co., inquiring whether they could furnish a film for men only—something of spice—for the occasion. It is a matter of pride that Mr. Robert Leiber, who is one of the oldest film renters in the United States, operating the largest exchange in the State of Indiana, was forced to reply: "Gentlemen, we have no such film, and I know of no such film in existence, nor have I ever seen a moving-picture film that was unfit to be viewed by man, woman, or child. There would be no profit to the manufacturer in making such a picture, and the danger to the exhibitor in showing such a film, were it available, would prevent it being shown."

The picture was not and could not be furnished by any other exchange in Indianapolis.

Legalized censorship is impractical, because no two persons have the exact conclusion on all matters pertaining to morals. The standards of a religious person would be too exacting, while the standards of an immoral person too loose, therefore the present practice of the moving-picture exhibitor, being the better judge, is the best.

As an illustration, the bearer of this message has been an exhibitor for 10 years. During the last five years I have not but once taken off a picture from my screen, and this was not a moving picture, but a stereopticon slide. The representative of a Bible study association asked for the use of my theater on Sunday to show Bible pictures, in order to create a greater general interest in the Bible. The program started, and I never ran faster in my life than I did to the booth to censor the slides depicting the creation of the world. They were entirely too plain, and, to my mind, to show them in the name of religion was a crime.

If the moving picture was placed entirely in the hands of religious folks, they would make, in my opinion, more mistakes than we do.

Another instance: I considered the film "Damaged Goods" very strong and was doubtful about the propriety of showing it, yet the ministers of Martinsville, Ind., believed its power for good so great that they favored its showing in my theater on Sunday. After viewing it the second time I concurred with these ministers that it was one of the greatest sermons that could be preached and its power for good immeasurable.

## LEGALIZED CENSORSHIP WILL DESTROY THE MOVING-PICTURE INDUSTRY.

A tariff law improperly adjusted will destroy an industry, and so will legalized censorship paralyze the moving-picture industry. Censorship eliminates only—it replaces nothing. It takes away, but does not correct. If a manufacturer of films would try to market a thousand feet of films after passing through Federal, State, village, and city legalized censorships of every State and city, there would be nothing left of the film but the tin box in which it first started the rounds. We are to remember that each board would have to censor—cut out—some of the film, or there would be no need for a board, and the result would be no manufacturer could make a film for universal circulation.

Probably after the business was killed and we all suffered immeasurable harm, lawmakers would see the matter as we do from our many years of experience and consideration, and we would return to our present practice. Why do us this harm?

The moving-picture industry does not protest against legalized censorship because they want immoral pictures but because it annihilates them and their business. It is a matter of dollars and cents to show only clean pictures, and the motion-picture exhibitor is a man generally of such high character that he would not show an immoral or objectionable picture as a matter of good citizenship.

In conclusion, we consider the statement of Dr. Crafts before this committee, that "75 per cent of the motion pictures are bad and 25 per cent very bad," the deepest kind of an insult, and if you will allow us, we can bring to bear the evidence of thousands of ministers of the gospel, who are the friends of moving pictures; who are real ministers of the soul, and would not stoop to bring false witness against a worthy institution.

Furthermore, the item read from the Universal Weekly by Dr. Crafts is likewise untrue. I have attended every convention of moving-picture exhibitors worthy of note within the last five years and, without exception, every resolution passed by the body of exhibitors was for clean and wholesome pictures. As Mr. Pat Powers said on the first night of the hearing, "We care nothing for anyone's statements. Show us the picture. Show us the picture."

The effect of legalized censorship is never apparent at first glance. The more we study it the more it shows its impossibilities to do good, and its last analysis becomes absurd and ridiculous. Legalized censorship means that all morals, thoughts, feelings, sentiment of all mankind shall be measured by a tapeline. The human mind can standardize almost anything except the human mind itself. We can make a million nuts for a monkey-wrench all alike, but the human nut (pardon the slang) was created by a greater power. Each one is different. Censorship would attempt to undo the work of Providence itself.

No five human minds can possess all the knowledge that there is in the world and has been since the beginning of time; therefore, no five human minds can or should judge what all other minds should think; what all other hearts should feel; or what sentiments shall come through the windows of the eyes into each human soul.

Censorship is millenianism, pure and simple, and not consistent with true progress, uplift, and high morality of this day and age.

We, therefore, earnestly and sincerely plead with your committee to report this legalized censorship bill unfavorably.

MOTION PICTURE EXHIBITORS' LEAGUE OF AMERICA,  
By F. J. REMBURCH,  
*Vice President Motion Picture Board of Trade.*

I, S. S. Hutchinson, managing director, individually and as the representative of Vogue Films (Inc.), of California, respectfully protest against the enactment of a Federal censorship bill in any form. I urge and advocate the amendment of section 245 of the Federal Criminal Code so as to make it unmistakably applicable to motion pictures.

I represent an investment of \$100,000 in the producing branch of the motion-picture industry. My interests employ approximately 100 employees.

S. S. HUTCHINSON.

I, S. S. Hutchinson, president, individually and as the representative of the American Film Co., of Santa Barbara, Cal., and Chicago, Ill., respectfully protest against the enactment of a Federal censorship bill in any form. I urge

and advocate the amendment of section 245 of the Federal Criminal Code so as to make it unmistakably applicable to motion pictures.

I represent an investment of \$2,500,000 in the manufacturing branch of the motion-picture industry. My interests employ approximately 500 employees.

S. S. HUTCHINSON.

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I, S. S. Hutchinson, president, individually and as the representative of the Signal Film Co., of California, respectfully protest against the enactment of a Federal censorship bill in any form. I urge and advocate the amendment of section 245 of the Federal Criminal Code so as to make it unmistakably applicable to motion pictures.

I represent an investment of \$100,000 in the producing branch of the motion-picture industry. My interests employ approximately 100 employees.

S. S. HUTCHINSON.

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I, Charles Segall, individually, and as the representative of and president Exhibitors League of Philadelphia and treasurer Motion-Picture Exhibitors League of Pennsylvania, respectfully protest against the enactment of a Federal censorship bill in any form. I urge and advocate the amendment of section 245 of the Federal Criminal Code so as to make it unmistakably applicable to motion pictures.

I represent an investment of \$230,000 in the exhibiting branch of the motion-picture industry. My interests employ approximately 35 employees.

I personally own four theaters in Philadelphia.

CHAS. SEGALL.

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I, Adolph Mahrer, individually, and as the representative of Milo Theater, One hundredth Street and Miles Avenue, Cleveland, Ohio, respectfully protest against the enactment of a Federal censorship bill in any form. I urge and advocate the amendment of section 245 of the Federal Criminal Code so as to make it unmistakably applicable to motion pictures.

I represent an investment of \$40,000 in the exhibiting branch of the motion-picture industry. My interests employ 10 employees.

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I, Arnold Goodman, individually, and as the representative of Windermere Amusement Co., Euclid and Lake Front, East Cleveland, respectfully protest against the enactment of a Federal censorship bill in any form. I urge and advocate the amendment of section 245 of the Federal Criminal Code so as to make it unmistakably applicable to motion pictures.

I represent an investment of \$15,000 in the exhibiting branch of the motion-picture industry. I make it unmistakably applicable to motion pictures.

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I, George W. Heinbuch, individually and as the representative of Superior Theater, 8303 Superior Avenue, Cleveland, Ohio, respectfully protest against the enactment of a Federal censorship bill in any form. I urge and advocate the amendment of section 245 of the Federal Criminal Code so as to make it unmistakably applicable to motion pictures.

I represent an investment of \$20,000 in the exhibiting branch of the motion-picture industry. My interests employ six employees.

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I, H. A. Luckey, individually and as the representative of Great Star Film Co., 1104 Superior Avenue, Cleveland, Ohio, respectfully protest against the enactment of a Federal censorship bill in any form. I urge and advocate the amendment of section 245 of the Federal Criminal Code so as to make it unmistakably applicable to motion pictures.

I represent an investment of \$25,000 in the exchange branch of the motion-picture industry. My interests employ six employees.

I, Joseph Kornfeld, individually and as the representative of Avenue Theater, 422 Euclid Avenue, Cleveland, Ohio, respectfully protest against the enactment of a Federal censorship bill in any form. I urge and advocate the amendment of section 245 of the Federal Criminal Code so as to make it unmistakably applicable to motion pictures.

I represent an investment of \$50,000 in the exhibiting branch of the motion-picture industry. My interests employ eight employees.

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I, Frank M. Kenney, individually and as the representative of Clark Theater, Cleveland, Ohio, respectfully protest against the enactment of a Federal censorship bill in any form. I urge and advocate the amendment of section 245 of the Federal Criminal Code so as to make it unmistakably applicable to motion pictures.

I represent an investment of \$12,000 in the exhibiting branch of the motion-picture industry. My interests employ five employees.

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I, J. H. Simpson, individually and as the representative of the Ideal Theater, 3959 St. Clair Avenue, Cleveland, Ohio, respectfully protest against the enactment of a Federal censorship bill in any form. I urge and advocate the amendment of section 245 of the Federal Criminal Code so as to make it unmistakably applicable to motion pictures.

I represent an investment of \$2,000 in the exhibiting branch of the motion-picture industry. My interests employ five employees.

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I, Samuel Bullock, individually and as the representative of Columbia and Boulevard Theatre (Columbia Amusement Co.), Cleveland, Ohio, respectfully protest against the enactment of a Federal censorship bill in any form. I urge and advocate the amendment of section 245 of the Federal Criminal Code so as to make it unmistakably applicable to motion pictures.

I represent an investment of \$20,000 in the exhibiting branch of the motion-picture industry. My interests employ 15 employees.

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I, F. E. Simmons, individually and as the representative of Bronx Amusement Co., Cleveland, Ohio, respectfully protest against the enactment of a Federal censorship bill in any form. I urge and advocate the amendment of section 245 of the Federal Criminal Code so as to make it unmistakably applicable to motion pictures.

I represent an investment of \$4,000 in the theater branch of the motion-picture industry. My interests employ nine employees.

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I, F. E. Simmons, individually and as the representative of Dreamland Amusement Co., Cleveland, Ohio, respectfully protest against the enactment of a Federal censorship bill in any form. I urge and advocate the amendment of section 245 of the Federal Criminal Code so as to make it unmistakably applicable to motion pictures.

I represent an investment of \$5,000 in the theater branch of the motion-picture industry. My interests employ nine employees.

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I, I. H. Morris, individually and as the representative of Home Amusement Co., One Hundred and fifth Street and Superior Avenue, Cleveland, Ohio, respectfully protest against the enactment of a Federal censorship bill in any form. I urge and advocate the amendment of section 245 of the Federal Criminal Code so as to make it unmistakably applicable to motion pictures.

I represent an investment of \$25,000 in the exhibiting branch of the motion-picture industry. My interests employ 10 employees.

I, Harry J. Wade, individually and as the representative of Buckingham Theater, 3007 Central avenue, Cleveland, Ohio, respectfully protest against the enactment of a Federal censorship bill in any form. I urge and advocate the amendment of section 245 of the Federal Criminal Code so as to make it unmistakably applicable to motion pictures.

I represent an investment of \$30,000 in the exhibiting branch of the motion-picture industry. My interests employ six employees.

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I, C. Neufer, individually and as the representative of Peoples Theater, Broad Street, Elyria, Ohio, respectfully protest against the enactment of a Federal censorship bill in any form. I urge and advocate the amendment of section 245 of the Federal Criminal Code so as to make it unmistakably applicable to motion pictures.

I represent an investment of \$39,000 in the exhibiting branch of the motion-picture industry. My interests employ six employees.

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I, Charles A. Megoun, individually and as the representative of Cameraphone Theater, 736 Euclid Avenue, Cleveland, Ohio, respectfully protest against the enactment of a Federal censorship bill in any form. I urge and advocate the amendment of section 245 of the Federal Criminal Code so as to make it unmistakably applicable to motion pictures.

I represent an investment of \$35,000 in the exhibiting branch of the motion-picture industry. My interests employ eleven employees.

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I, W. H. Miller, individually and as the representative of Haltworth Theater Co., Woodlawn and Fifty-fifth Street, Cleveland, Ohio, respectfully protest against the enactment of a Federal censorship bill in any form. I urge and advocate the amendment of section 245 of the Federal Criminal Code so as to make it unmistakably applicable to motion pictures.

I represent an investment of \$200,000 in the Haltworth Theater Co. branch of the motion-picture industry. My interests employ 18 employees.

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I, Joseph Grossman, individually and as the representative of the Standard Amusement Co., Cleveland, Ohio, respectfully protest against the enactment of a Federal censorship bill in any form. I urge and advocate the amendment of section 245 of the Federal Criminal Code so as to make it unmistakably applicable to motion pictures.

I represent an investment of \$200,000 in the Standard Amusement Co. branch of the motion-picture industry. My interests employ 18 employees.

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I, W. H. Miller, individually and as the representative of Olympia Theater, Broadway and Fifty-fifth Street, Cleveland, Ohio, respectfully protest against the enactment of a Federal censorship bill in any form. I urge and advocate the amendment of section 245 of the Federal Criminal Code so as to make it unmistakably applicable to motion pictures.

I represent an investment of \$250,000 in the Central Amusement Co. branch of the motion-picture industry. My interests employ 20 employees.

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I, Charles A. Megown, individually and as the representative of Camera-phone Theater Co., of Pennsylvania and Ohio, respectfully protest against the enactment of a Federal censorship bill in any form. I urge and advocate the amendment of section 245 of the Federal Criminal Code so as to make it unmistakably applicable to motion pictures.

I represent an investment of \$115,000 in the exhibiting branch of the motion-picture industry. My interests employ 43 employees.

I, W. J. Slinun, individually and as the representative of Marquis Theater, 1755 Crawford Road, Cleveland, Ohio, respectfully protest against the enactment of a Federal censorship bill in any form. I urge and advocate the amendment of section 245 of the Federal Criminal Code so as to make it unmistakably applicable to motion pictures.

I represent an investment of \$22,000 in the exhibiting branch of the motion-picture industry. My interests employ 5 employees.

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I, J. E. Allman, individually and as the representative of Pike Theater, Cleveland, Ohio, respectfully protest against the enactment of a Federal censorship bill in any form. I urge and advocate the amendment of section 245 of the Federal Criminal Code so as to make it unmistakably applicable to motion pictures.

I represent an investment of \$12,000 in the exhibiting branch of the motion-picture industry. My interests employ 6 employees.

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I, C. S. Reinberger, individually and as the representative of Rex Theater, 4305 Warner Road, Cleveland Ohio, respectfully protest against the enactment of a Federal censorship bill in any form. I urge and advocate the amendment of section 245 of the Federal Criminal Code so as to make it unmistakably applicable to motion pictures.

I represent an investment of \$10,000 in the exhibiting branch of the motion-picture industry. My interests employ 5 employees.

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I, David S. Davidson, individually and as the representative of the Strand Theater and Ferko Theater, Cleveland, Ohio, respectfully protest against the enactment of a Federal censorship bill in any form. I urge and advocate the amendment of section 245 of the Federal Criminal Code so as to make it unmistakably applicable to motion pictures.

I represent an investment of \$65,000 in the exhibiting branch of the motion-picture industry. My interests employ 27 employees.

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I, B. J. Sawyer, individually and as the representative of Manhattan Theater, Superior and One hundred and fifth Streets, Cleveland, Ohio, respectfully protest against the enactment of a Federal censorship bill in any form. I urge and advocate the amendment of section 245 of the Federal Criminal Code so as to make it unmistakably applicable to motion pictures.

I represent an investment of \$60,000 in the exhibiting branch of the motion-picture industry. My interests employ 7 employees.

B. J. SAWYER,

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I, S. H. Barck, individually, and as the representative of Market Square Theater, 7640 Broadway, Cleveland, Ohio, respectfully protest against the enactment of a Federal censorship bill in any form. I urge and advocate the amendment of section 245 of the Federal Criminal Code so as to make it unmistakably applicable to motion pictures.

I represent an investment of \$26,000 in the exhibiting branch of the motion-picture industry. My interests employ eight employees.

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I, W. H. Horsey, individually and as the representative of East End Amusement Co., operating Carlyon Theater, respectfully protest against the enactment of a Federal censorship bill in any form. I urge and advocate the amendment of section 245 of the Federal Criminal Code so as to make it unmistakably applicable to motion pictures.

I represent an investment of \$30,000 in the Cleveland branch of the motion-picture industry. My interests employ four employees.

We, Otto and Joseph Tschumper, individually, and as the representatives of Pearl Theater, 4254 West Twenty-fifth Street, Cleveland, Ohio, respectfully protest against the enactment of a Federal censorship bill in any form. We urge and advocate the amendment of section 245 of the Federal Criminal Code so as to make it unmistakably applicable to motion pictures.

We represent an investment of \$7,000 in the exhibiting branch of the motion-picture industry. Our interests employ four employees.

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I, S. Aubley, individually and as the representative of Corona Theater, 745 Prospect SE., Cleveland, Ohio, respectfully protest against the enactment of a Federal censorship bill in any form. I urge and advocate the amendment of section 245 of the Federal Criminal Code so as to make it unmistakably applicable to motion pictures.

I represent an investment of \$10,000 in the exhibiting branch of the motion-picture industry. My interests employ six employees.

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I, James S. Wilkinson, individually and as the representative of Broadway Theater, 4628 Broadway, Cleveland, Ohio, respectfully protest against the enactment of a Federal censorship bill in any form. I urge and advocate the amendment of section 245 of the Federal Criminal Code so as to make it unmistakably applicable to motion pictures.

I represent an investment of \$25,000 in the exhibiting branch of the motion-picture industry. My interests employ five employees.

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I, Henry A. Rosenberger, individually and as the representative of Cozy Theater, 8924 Lorain Avenue, Cleveland, Ohio, respectfully protest against the enactment of a Federal censorship bill in any form. I urge and advocate the amendment of section 245 of the Federal Criminal Code so as to make it unmistakably applicable to motion pictures.

I represent an investment of \$8,000 in the exhibiting branch of the motion-picture industry. My interests employ six employees.

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I, H. E. Horwitz, individually and as the representative of New Palace Theater, 1724 St. Clair Avenue, Cleveland, Ohio, respectfully protest against the enactment of a Federal censorship bill in any form. I urge and advocate the amendment of section 245 of the Federal Criminal Code so as to make it unmistakably applicable to motion pictures.

I represent an investment of \$30,000 in the exhibiting branch of the motion-picture industry. My interests employ five employees.

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I, C. L. Smith, individually and as the representative of Chic Theater, 5809 St. Clair Avenue, Cleveland, Ohio, respectfully protest against the enactment of a Federal censorship bill in any form. I urge and advocate the amendment of section 245 of the Federal Criminal Code so as to make it unmistakably applicable to motion pictures.

I represent an investment of \$18,000 in the exhibiting branch of the motion-picture industry. My interests employ four employees.

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I, John R. Freuler, individually and as the representative of Mutual Film Corporation, of New York, respectfully protest against the enactment of a Federal censorship bill in any form. I urge and advocate the amendment of section 245 of the Federal Criminal Code so as to make it unmistakably applicable to motion pictures.

I represent an investment of \$3,000,000 in the distributing branch of the motion-picture industry. My interests employ approximately 1,100 employees.

JOHN R. FREULER.

**Mr. RUCKER.** In that connection, if you will, you may insert a telegram received by me to-day—a telegram from some constituents at Monroe City, Mo. I will furnish it to the stenographer if necessary. (The telegram referred to is as follows:)

MONROE CITY, MO., *January 17, 1916.*

HON. W. W. RUCKER,

*House of Representatives, Washington, D. C.:*

We ask you to use your influence against Federal censorship of motion pictures. We claim it's an imposition and opposed to the principles of liberty and free press. We urge you to oppose and use your influence against House resolution 456 now before the House Committee on Education.

R. A. KIRBY,

FRED ANGUS,

*Managers Gem Theater.*

(The following telegram was also submitted by Mr. Rucker:)

BROWNING, MO., *January 20, 1916.*

HON. W. W. RUCKER,

*House of Representatives, Washington, D. C.:*

House resolution 456 proposes to establish censorship of motion pictures. Is this country harking back to monarchical conditions? The American people to the number of some 15,000,000 daily patronize motion pictures. They would not do this if they were bad. Urge you to use your best efforts defeating this bill.

CARTER & PETERS.

**Mr. BINDER.** Our first speaker this evening will be Mr. Grenville S. MacFarland. Mr. MacFarland is the editor of the Boston American, one of the great Hearst chain of American papers, a chain stretching from the Atlantic to the Pacific, which, together with the magazines which he controls, have 6,500,000 readers, and Mr. MacFarland will speak for those papers.

#### STATEMENT OF MR. GRENVILLE S. MACFARLAND, EDITOR OF THE BOSTON AMERICAN.

**Mr. MACFARLAND.** Mr. Chairman and gentlemen of the committee, I should not take your time at this hour if it were not for the fact that I think it is important to relate a conversation which occurred between Mr. Willis J. Abbott, of New York, and Congressman Shackleford, of Missouri. Being acquaintances, they fell into casual conversation about this bill, and Mr. Shackleford burst out with an indignant statement that he thought the bill ought to become a law, because by this bill you would be enabled to suppress such plays as *The Battle Cry of Peace*, with its tendency to incite militarism in this country.

I think, gentlemen, that is a greater argument against the bill than a whole week's argument. That indicates the danger of this bill. It shows that in the judgment of an experienced, intelligent public man, who has been in Congress for 20 years, five men would have arbitrary power to put their thumb down upon the greatest propagandist potentialities ever known in human history, and it is that the propagandist power which in free speech and in a free press constitutes the most precious thing that makes freedom of the press and freedom of speech so precious in this country and in all countries where free institutions are cherished.

Mr. BINDER. I now have pleasure in introducing Mr. Herrington, who spoke previously to your committee. We wishes to touch upon a phase of the question—

Mr. RUCKER (interposing). Before the gentleman proceeds I want to make a statement, in view of the argument just made by the gentleman who addressed the committee. I do not question in any wise the accuracy of the statement made by the gentleman with reference to the statement made by my colleague, Mr. Shackleford. Mr. Shackleford has pronounced views upon some other questions that may be involved in other legislation. I doubt very much if Mr. Shackleford wanted to be committed before the country in taking a stand on the bill in one way or the other, and I am sorry that the gentleman has deemed it necessary to mention his name. I wish to make that statement, because I do not believe he intended to commit himself one way or the other on this proposition.

#### STATEMENT OF MR. FRED J. HERRINGTON.

Mr. HERRINGTON. Mr. Chairman and gentlemen of the committee, the question has been raised as to the character and ability of men to censor motion pictures, and many times the question has been raised as to the advancement or the detriment of the business in the States that have censorship at the present time; that is, legalized censorship.

In Pennsylvania they wanted to know if it had worked a hardship. It would be hard to say positively as to which has caused the hardship in the State of Pennsylvania, as action of legislation in that form would be the same as a man advertising a commodity in a newspaper, and he would get great demand for that commodity. Therefore he does not know whether it would be the demand for the commodity that he would sell or whether it would be the power of that advertisement on the people to create this demand, but I will say that in the State of Pennsylvania there are many buildings that prior to the past year were occupied as motion-picture theaters, and to-day those buildings still have the theatrical front in them but no form of entertainment.

Now, in the city of Pittsburgh, my home city, I do know that on Fifth Avenue, the most prominent thoroughfare in the city of Pittsburgh, there are two theaters that would positively be handed to any man who would take them and release those who now operate them from the responsibility that they are under on account of the lease. So far can we trace that to censorship, that the elimination that is made from the picture confuses the brain of the people so that they can not follow the story, and the interest is taken out and they can not connect it, and they tell us, as managers, that the pictures are not as good as they used to be. That reflects a detriment to the business in Pennsylvania.

Now, as to Ohio, on my return from the coast last summer I stopped off at Cleveland, that being my former home, or the home of my childhood, and I was requested to speak before the West End Business Men's Association at their picnic and field day at Pirika Springs. My subject, selected before my arrival there, was "The evils of censorship." At Pirika Springs I should judge there was upward of 10,000 or more people assembled. They took a moving

picture of the camps and people at the picnic. They also went out and assembled the people for the "Evils of censorship," to be delivered by myself, the then president elect of the national league. During the course of my lecture, feeling as I did that censorship could not be used as an American idea, I said censorship was conceived in iniquity, born in sin, and is dying in disgrace. That was very encouraging to the newspaper men of Cleveland, and also the motion-picture men or the camera men who took the picture of the crowd listening to the address, and it was used as one of the subtitles by them. The sergeant of police on the west side of Cleveland went to Sam Bullock, who owned a west-side theater, and said to him, "Has that picture been approved by the Ohio State Board of Censors?" He said, "No; it has not." Then he said, "To avoid trouble to yourself and me, would you please forward it to Columbus?" The picture, or the film, was expressed to Columbus, O. K'd and approved, with the one exception; that was not the picture, but the quotation of the speech which I had made. That they eliminated. Mr. Bullock, feeling that his rights as a citizen, and in defense of free speech warranted it, refused to comply with the demands of the Ohio State Board of Censors, and the picture was run for upward of 17 nights in the city of Cleveland, and Mayor Baker, being called upon by the officials at Columbus, refused to take action, saying that he was not the censor board or any part thereof; that he was there to administer the law of the city. So they sent on a decoy in the form of a young woman three weeks after this, who got Mr. Bullock to give a special show of the picture, so that she might see it. He thought he was conferring a favor upon her, and showed it to her at a special performance, saying that he could not show it during his performance, because it had gotten to be too monotonous.

After the showing of the picture on the screen three days elapsed, when there was a warrant sworn out for the arrest of Mr. Bullock. He was taken before the magistrate, and, knowing full well that he was guilty under the censor law, he was found guilty.

Now, the thing that occurred to me, how did Mr. Bullock or his attorneys get the case into the county court, because there is no appeal. The case was taken before Mr. Squires, and the attorney, Mr. Ben Swartz, made it plain that "We are not here to say that Mr. Bullock has not committed an act in defiance of that which a censor board has denied him a right, but the question is, gentlemen of the jury, Can you find Mr. Bullock guilty? If Mr. Bullock is guilty of a criminal offense for showing on the screen in words as big as press could print them, then what would Mr. Herrington be guilty of were he in Ohio? We will make arrangements, gentlemen of the jury, to bring the president back to Ohio, deliver the same speech to you that he gave at Pirika Springs, and can you, as a jury, find him guilty? If not, how can you, as a jury, find Mr. Bullock guilty for using the quotations from his speech; and if you can, where, in the name of common decency, does that question of freedom of speech and freedom of the press start?"

The jury, gentlemen, disagreed, 8 to 4, and Judge Swartz made it plain to the censor board that he felt that, with the evidence at hand, he was able to make a decision of the case satisfactory to all. He was denied the right. They wanted an appeal. Judge Swartz said,

"Gentlemen, I have no more to do with it, but, so far as I am concerned, the case is done," and the case was tried in the early part of October, and up to the present time it has never been resurrected.

So much for that censorship. It was proved conclusively to the satisfaction of the judge and jury, apparently, that the law was an infraction on the right of free speech and of a free press, and I want to say that in Pennsylvania they reported that there was only one picture that the decision of the censor board had reversed. The first censorship by the Ohio board was Jesse L. Laskey's photoplay *The Secret Orchard*, featuring Blanche Sweet, and the court reversed the decision of the censor board and the picture was shown. Other pictures, there was many eliminations ordered. One was a feature production of the Lubin Co., *Tillie's Punctured Romance*; there the decision was reversed after a number of eliminations. Another picture was *The Blindness of Virtue*, and there the court stepped in.

Now, there are a number of those incidents that I could name, but feeling as we do, we will depend for our hearing upon the same people that you do. You can feel as we do, for it is the constituency of the motion picture that appeals to us, and it is the constituency of the Commonwealth that appeals to you.

Mr. TOWNER. Those cases that you referred to, I presume, were cases tried in the trial nisi prius court, and they were not appealed, so that there is no decision on it?

Mr. HERRINGTON. The court decided that the picture was eligible.

Mr. TOWNER. You do not understand me. These cases were simply tried and determined in the lower courts?

Mr. HERRINGTON. Yes, sir.

Mr. TOWNER. But they never went to the upper courts?

Mr. HERRINGTON. No, sir.

Mr. TOWNER. Is there any official report of these decisions?

Mr. HERRINGTON. There is a police court of Philadelphia—

The CHAIRMAN (interposing). The gentleman means any official opinion.

Mr. HERRINGTON. No, sir.

Mr. TOWNER. How could the committee derive any knowledge from them?

Mr. HERRINGTON. In so far as the pictures were prohibited from being shown in the State, and then they were released.

Mr. TOWNER. How can you find out about those cases?

Mr. BINDER. In the high courts.

Mr. TOWNER. In any court in Pennsylvania?

Mr. SEABURY. I do not think those cases are reported, Judge.

Mr. BINDER. The next speaker we have to offer is John R. Freuler, president of the Mutual Film Corporation of New York City.

#### STATEMENT OF JOHN R. FREULER, PRESIDENT OF THE MUTUAL FILM CORPORATION.

Mr. FREULER. Mr. Chairman and gentlemen, I am president of the Mutual Film Corporation. The Mutual Film Corporation is a distributing organization, strictly a distributing organization. I am also the secretary and treasurer of the American Film Co., of Chicago and Santa Barbara, Cal. The Mutual Film Corporation em-

plays over 1,100 people in the United States. We have a capital of \$3,500,000, and it is one of the oldest distributing organizations in the United States.

I went into this business 11 years ago—and I am mentioning these facts in order that you may understand that I have had considerable experience in this line of business—the moving-picture business; that is, the distributing end; the producing and the exhibiting end. I own a few theaters. Originally I became interested in the exhibiting end of the moving-picture business. Those were the days when if you were a member, gentlemen, you would walk up to the window with a nickel in your hand and you would look up and down the street to see if anybody was looking, and you would put down your nickel and dodge in.

So, at that time it was in its infancy. We have passed that stage, and I am proud to say that I am connected with the industry.

It seems to me that very little is known by the people how a picture is produced, and what care is taken to put a picture on the market. Now, I do not know whether anybody has explained that thoroughly. If they have, I do not want to take up your time on that point. Originally, you had a scenario of the department, where you hire people who read the script. They search the libraries for good subjects, something to produce and put into pictures. We have various authors who contribute original script to our company, the producing company, and it is gone over carefully by the scenario department to see that that is a proper story to put into a picture, and something interesting, and after the story is finally selected, I wish to say that we have produced pictures, one just recently, the picture *The Other Side of the Door*, by Louisa Chamberlain and by the Williamsons, that is another one, and by Lord Osborn, and by all the authors that are well known are contributing toward this industry.

After the scenario department selects a story, they make a scenario, or what we call a working script for the director, in order that he will follow that story, that whatever is in that story will be registered on the picture. After the director finishes, he goes to his different locations, and it takes weeks and months to make one picture. Of course the shorter length, it don't take quite so long; usually they can produce 1,000 feet in about a week or two weeks. After the director finishes—that is, gets his negative for a thousand feet—they usually take about 2,000 feet, then it goes to the cutting room, where the director cuts out any superfluous film. Sometimes there is nothing on the film, and then they commence to put it together and make their inserts, what they call subtitles and reading matter. Of course the original title goes on first and then the reader. He goes over that picture very carefully. If there is some action in there possibly that is just not right, or if the story is not told correctly, he immediately does what they say is take over. When that is finished, they make the first print, the first positive. That is viewed again and then the front end, from the executive offices, some one there comes in and other directors look at it and criticize it the same as in an editorial room or the proof-reading room of a newspaper. They go over it very carefully. After that is done, it finally goes on to the laboratories. If they make it in California, we ship it to Chicago.

That is the way we operate, and then the negatives are made up, and I am positive that every reputable concern—and I do not know of any that are in existence that are otherwise except some fly-by-night concerns, mushroom concerns, that spring up and go out of existence—but that is so small we do not have to consider them, hardly.

Now, I feel that, after going through all of that care and trouble, and hiring our very intelligent men and women that produce these pictures, they certainly feel that it is ready for the public and for the public to judge, and therefore I claim that censorship in the true meaning of censorship is unnecessary in any form. You have heard arguments along those lines, and I will not attempt to go into the details of why it is not necessary, but I have a little brief here that I would like to file on that point, merely to give you my individual view.

Now, referring to the bill, it is impractical, gentlemen. I will not point out the reason why from the standpoint of what hardships a bill like this would really load onto the industry and stunt its growth. You take, for instance, line 8, on page 3, where it says "the commission may license any film, subject to such excisions, amplifications, or alterations as the commission may direct and require to be made"—amplifications, means, I believe, to add to. That is almost impossible, because where scenes are taken under certain conditions, it may take weeks, and we may never be able to reproduce some things; and you take, for instance, the actors or actresses—their contract has expired. They are gone. How is it possible for us to add to that picture?

"Alterations" is in the same class. Alterations must be made on the ground. Occasionally we can reach it and try to alter it, which we do, and we use every possible care to have it a presentable production, and we make the alterations right on the ground.

You take—here it says—

Mr. TOWNER (interposing). Just before you leave that place. Do the national board ever ask you to make any amplifications or alterations?

Mr. FREULER. They never have, to my knowledge.

Mr. TOWNER. They always ask you to make excisions?

Mr. FREULER. Yes, sir; they have done that.

Mr. TOWNER. It would be your idea that that would be all that would be practical?

Mr. FREULER. Well, so far as the national board is concerned, I do not believe the national board is necessary.

Mr. TOWNER. I am not asking you about that. I am only asking you whether or not the word "excisions" is all that can practically put it in operation?

Mr. FREULER. Yes, sir.

Mr. TOWNER. That is all?

Mr. FREULER. Then, you refer to certificates. That is on page 3, starting at line 20:

That when any film has been approved the commission shall issue a certificate in the form adopted by the commission. These certificates shall describe the film and shall bear a serial number, and shall state its title, the day on which it was approved by the commission, and the number of linear feet contained therein.

Then, it goes on to say that the commission may, if it has licensed a film, issue a seal and certificate for each duplicate thereof without any

examination of such duplicate, upon the payment of the license fee provided. I believe I heard in the hearing that such certificate must accompany the film in some section.

Mr. RUCKER. Section 10, I think, is perhaps what you are after.

Mr. FREULER. Oh, yes. It says here that no persons, firm, or corporation shall carry or transport any film from one State into another State of the United States, or from any foreign country into any State of the United States, unless such film has been licensed by the commission and a true copy of the certificate accompanies it, provided that this section shall not apply to films consigned to this commission.

Now, take Chicago. In Chicago they had such a system, and it is a very annoying proposition locally, because the certificate becomes destroyed. They are lost. You ship it to a theater, and the operator—it is usually late when he gets through—and when he is through with a film he chucks it in the box and sends it back and forgets the certificate. Now, in operating a film exchange, it will come in at 9 o'clock in the morning from out-of-town parties, and it is a very difficult and almost impossible thing to get it out on the 9.30 train. We have no opportunity to get a duplicate film, and the result is that we have to ship the man something else—some different film—because we can not ship it into another State without the certificate. It is very often the case right over the line into Indiana or Ohio, and the consequence is that the shipment is held up and the man does not get the show that he has advertised.

Now, that happens frequently. I had the experience to have seen it in practice. Of course, sometimes we have gone so far as to run down to the city hall and get a special messenger and mail it, so that he will have the duplicate on time. We found very often that we could not do it.

I wanted to point out how impractical that would be.

Now, with reference to the fee—that is on page 4, section 12, where it says that a fee of \$1 shall be charged for the examination by the commission of each film of 1,000 feet or less and 50 cents for each film which is a duplicate of any film which has been licensed.

Now, I take it that if we issue a play or a playlet which will probably run for two and one-half minutes, we would have to pay 50 cents for each duplicate copy or \$1 for the first. I am interested in a little home camera. It is about the size of a cigar box, with a little strap which you can hang over your neck and throw a lever down and take your picture. The negative of the film is about a foot long and about 4 inches wide. It travels around two spools. The negative will cost 25 cents. We contemplated—this is a little side issue that I happen to be interested in—we contemplated making little playlets on this kind of a film; that is, to take little playlets on the negatives and make duplicates and sell these little duplicates for the home projectors or other little amusement places. The price of the original is 25 cents.

The young man who invented this was up to the office and I said to him, "I am very sorry you will have to wait, because if this bill goes through, then if they reduce the cost, it will only be 5 cents." I have seen different things that when the price is fixed it is an awful fight to bring it down, even halfway, so it would just put that little indus-

try out of use. It would simply have to wait until we could get along further.

Now, even if a person would want to transport, say, take the picture of his family, the film he could not ship it from one State to another under this act. I have studied it over, and I can not see where it would be possible. Then I tried to figure out how much it would really load onto the industry, if this would go through in this form. I figured that it would take, no matter how you would want to enforce this law, I can not see how it would be possible to see that it is enforced and be able to charge less than a dollar for the first and 50 cents for each one in addition, because in order to make it practical it would be necessary to have thousands of deputies, and those deputies certainly would expect pay. We would have them all over the United States, because pictures are being taken all over the United States, and if you would want to make it the same, as any fair-minded body would—they don't want to hamper the industry—they would have to have deputies here and there and over there. I state that it would load an expense of \$500,000 a year—and my estimates, I believe, are very conservative—onto the industry in order to take care of this law.

Now, there is another point I want to touch upon, gentlemen. We take, for instance—of course, you have provided in the bill that this will not go into effect for nine months. I know that it is going to put a lot of the present producers out of business, because in nine months' time, when the change comes about, or any new film has got to be sent to certain points, that the first positive printing, we will say—this industry is really not in its infancy any more, but it has not come to full growth—here is where the difficulty lies. I know it, because in all these years the producers have been more or less what we say right close up to the release date, and the release date is the first day of publication, the first day of running, when it goes onto the market. The reasons for this, of course, some have increased their output and their capital is limited, and a release date is set, and they get the negatives, we will say, to-day is Wednesday, and it is supposed to be released next Wednesday. Now, they have done all they can. They are supposed to get in within a week earlier or about two weeks earlier, and the contract calls for it, and they try to live up to their contracts the same as other people. It is either through lack of capital or something like this. For instance, at the present time it is the rainy season and it holds them back. Nobody knows except the men who are in the releasing business just what it means to lose a release date. Their contracts call for release on a certain day. If they fail to deliver, they get liable for damages, naturally. They say, "Well, I have advertised it and my house was dark, and I have had to get this old reel and run it, and I want an allowance."

Now, if this censor board is some distance, and you sent it in, and we all know that, without casting any reflections—take the Patent Office, how far behind they get in issuing patents. Now, suppose they hold up our negatives, the first print, that costs all the way from \$5,000 to \$25,000 or \$50,000. It requires that much more capital if it is held up for a week, and it requires that much more capital to carry on the business, and that is where I say some of these institutions will not be able to stand the pressure. They can not get their prod-

ucts out. They will have to borrow money, and if they can not borrow money they will have to step aside and let somebody else in.

To conclude my remarks, I wish to say that I am not in favor of any form of censorship. I do not mean that I approve of any immoral or indecent picture. I do not. I have two daughters, and Mrs. Freuler and myself are very proud of them. We are very careful how we raised those daughters. We never told them that they could not go in to see a moving-picture show. I have been in the business 11 years. My oldest daughter is 18. She has been seeing pictures since she was 7. We have taken them along, and in all these years I have not seen an indecent picture or an immoral picture. I have seen some that, according to my standard of morals, I did not just exactly like. I would ask other people, and they thought it was perfectly proper and taught a great moral lesson, and so they keep debating back and forth. It is the same thing as when we read in the newspapers, we will say, for instance, something that touches our business. Well, at the moment, we do not like it. After a while we commence to feel a little sore about it. That is the same way in pictures. First, it might strike forth close to home, but after a while you do not think so much about it, and if you compare the pictures the number of years I have with things that have been going on before, it is really a Sunday-school lesson to go and see the moving pictures.

I thank you, gentlemen.

Mr. BINDER. The next speaker needs no introduction to this committee, or to any committee in Congress at Washington. I have now the pleasure of introducing to you your former colleague, or the former colleague of some of you, Mr. Martin W. Littleton, who will now speak to you.

#### **STATEMENT OF HON. MARTIN W. LITTLETON, OF NEW YORK.**

Mr. LITTLETON. Mr. Chairman and gentlemen of the committee, I appear as the personal representative and counsel for D. W. Griffith, as well as for the Triangle Film Corporation. Mr. Griffith probably occupies as high a place, from an artist's standpoint, in the production of moving pictures as any man in the country. I do not appear merely as his personal representative and as counsel for the Triangle Film Corporation, but I appear because I wish this committee to understand my true relations to this matter; I appear also as his personal and intimate acquaintance and friend. I do not think I would be seriously challenged—although by this statement I do not wish to stimulate any rivalry as to who is the greatest artist—if I state that Mr. Griffith occupies the highest place in the productive idealism which has grown out of this modern, remarkable, and miraculous development of moving pictures.

I had occasion to get in contact with moving pictures through Mr. Griffith as his attorney and friend when the difficulty arose in the city of New York regarding the permission to produce and exhibit the picture known as *The Birth of a Nation*, to which, I believe, reference has been made in the earlier part of these hearings. I do not believe it will be out of place or unconvincing if I were to recite in a word the struggle through which that particular picture went

in passing the authorities in New York City, until it was finally produced, and I shall not detain the committee with more than saying in a few words that the picture was submitted to the censors in New York and passed a month or two before it was intended to produce it. After it had been passed, and when it was about to be produced, I think a day or two before, complaint was made to the police department and to the license bureau; and, by the way, I wish everyone would take notice of the fact that of all the agencies which lie along the path which moving pictures must travel and which can be invoked to prevent the production of a picture offensive to the morals or decency of a community, the license bureau is the most effective. Complaint was made to the license bureau, whose only jurisdiction upon the complaint was to determine whether it would license the licensee. A further complaint was made to the police department.

If I may I will depart long enough from the story to say to you that if any man desires a picture prohibited in a city, town, or place where theaters are licensed he need not invoke even the police power of the State—he need not appeal to the censor board—he need only go to the license bureau, from which is obtained the license to run the theater building, and convince that bureau that the situation is one that requires its interference, and that bureau will say to the lessees, “You can not have pictures produced here which offend the morals or decency of the community. If you do, we will revoke your license.”

I mean to call attention to the one agency for control and correction which is so ample and complete that no one needs assistance from the Federal or State Governments at all. The matter of *The Birth of a Nation* was brought before the chief magistrate of the city of New York the day before the night when it was to be produced. A hearing was had. Those who objected to the picture, some of them members of the censor board of New York, and many others of public spirit, to whom I give the complete credit of believing they were sincere in their opposition to it, and a number of others appeared and protested that the picture was one that ought not to be produced. The chief magistrate heard the argument, and he said in effect, “Gentlemen, what do you wish me to do? I would like to know, because if there is anything to be done in this city which is improper the police commissioner is sitting here, and I would like to direct him, if it is within my power, to prevent that thing being done.” They said to him, “This picture will incite trouble.” Some said, “This picture is immoral.” Others said, “This picture is inhuman.” Some others said, “The picture is indecent.” So that very nearly if not all of the descriptive language which is contained in the bill was used to describe this picture, except that it was not a prize fight nor a bull fight.

The magistrate heard the arguments on both side for some considerable time, and then said, in substance: “If anybody is willing to make a complaint to me I am willing to hear it.” “But,” they said, “The picture has not been produced.” He said: “Well, suppose I go up and look at the picture. I am willing to go. Let us have a production of it and I will sit and look at it.”

But our adversaries did not accept the invitation. They said, in effect: “We think you should direct the police commissioner to direct the license bureau to direct the lessees to direct the tenants not

to produce this picture." He said, in effect: "No, gentlemen; I have served as a city magistrate under the late Mayor Gaynor, and as a close official confidant of his, I know that he did not believe, and I do not believe, that it lies within the power of this Government—aye, more than that—of the government of the State, or of any government in which English-speaking people have established a great democracy, to set up an injunctive government over against the government of the common law."

Never, except amongst Latin people, has the power of injunctive government been invoked as against the government of English-speaking people known as the common law.

The chief magistrate said, "I remember one night walking with Mayor Gaynor through the park as we went to witness the play called *The Irish Players*, which comprised a lot of curious cartoons which had been invented by the cleverness of some cartoonist to portray the humor, as well as the resentment, of the Irish race, and which caused more or less disturbance now and then. And Mayor Gaynor said to me, as we stood under a light in the park, 'McAdoo, if any man were to try and show a picture out in this park where everyone must pass and must see it, whether they will or not, and that picture offended the decent notions of any race of people in this city, I would exterminate him, because this is a public place, and the ownership of it resides in those people who beat this pavement every day back and forth in their toil. But when a man takes a show and puts it inside a building and locks the doors and puts up the box-office window and says to the world by paying so much money you can go inside and see this picture, or this play, the question then arises, how far must the Government penetrate into the regions of that particular place to conserve the morals and the decency of the community?' and with that spirit I am going to see this play to-night."

He did not mean that we must permit the indecent, or obscene, or inhuman inside of the building; but the question was, after you have made it private, except to those who pay, how far have you cornered it, so to speak, how far have you removed it as being offensive to the public eye, or the public morals, so that you can regulate it. Justice McAdoo quoted Mayor Gaynor's opinion at great length and finally let us go without taking any action.

A complaint was made in the courts against *The Birth of a Nation*, and Mr. Griffiths was served with a warrant to appear, and—

Mr. TOWNER. That was after the exhibition?

Mr. LITTLETON. Oh, yes; it could not have been before. It was issued, Judge Towner, to prevent it; but it did not represent the views, which, I take it, are contained in this bill—the injunctive view, if you please, the preventive view.

The warrant was issued, on the first occasion, after the picture was exhibited. It commanded us to come into court and test it out. That was the common-law view, which we expected and were willing to meet in a court of inquiry where the great principles of law could be administered, as we understand it in an English-speaking country.

We exhibited the picture. A warrant was served. We went down to the court 26 times and asked that they proceed, and every time the complainant was not ready, and never was ready, and is not ready to-

day. And this helpless and harmless document lies unacted on in the pigeonholes of the courts of New York.

But another thing was done, and I speak this to you out of the abundance of an experience in a case which actually happened. Our adversary, not willing to come into court, which, after all, gentlemen, is the only forum in our country we know where life, liberty, and property and the things that we cherish may be protected—I say our adversaries not willing to come into court, the mayor was appealed to. And for what? That he might direct his license commissioner to say to the owners of the building, “If you don’t kick this picture out, we will revoke your license,” because the revocation of licenses can be done with considerable arbitrariness in almost every municipality. The mayor gave a hearing to 500 people. He gave us a hearing in turn. Of course, he was nonplussed and put to. He said, “I went to see the picture myself, but for the life of me, I can not see why people should complain about it; but, nevertheless, as the representative of the people of this city, between whom there seems to be a line of cleavage in opinion, I very much wish to do the thing which will satisfy and placate.” Therefore, he asked if there was anything we could do to the picture. He asked this of me because I happened to know him. I said, “Of course, Mr. Mayor, if the mayor of this city says to me, as a representative of this concern, ‘It is my desire, as mayor, because of the difficulties arising, because of the unsettled disputes, that certain excisions shall be made from the picture, and those excisions do not emasculate the integrity and character of the picture, and the intention and purpose of the men who made it,’ I am willing to do so.”

In obedience to his suggestion, and it was only a suggestion, I sat before the curtain, looking and looking until I was blind, while they ran the picture and certain parts of it over and over again, in order that the license commissioners might see what they could eliminate that might to some extent be an excision, as it is called in this bill.

It was excised or eliminated to some extent, to my mind making no difference excepting the length of time in which it was done. To the mind of others it was entirely satisfactory. To the minds of the many making no difference.

The picture went on. Now, mark you, although the remedy was ample, the ordinances of the city provided that no indecent, immoral, or obscene thing could be done, and the law of the State provided this, no action was ever taken in the court. And I think without exception the laws of every State provide that no indecent, or immoral, or obscene thing, play or picture, may be produced, and if it is it may be hailed to court. But none of this was done, gentlemen—and they employed the best counsel in New York. And until this very time they have not dared to resort to the remedies with which you and I are acquainted; but every move that was made by our adversaries was to get somewhere behind these remedies—to have an ex parte, injunctive strangling of it, so that it might not ever come to the light and be tried out. And that is the whole tenor and purpose of this proposed legislation.

The play went on. There was still another story connected with it in Boston and Chicago, with which I shall not burden you.

And now, gentlemen of the committee, I ask myself this question—I must be accounted partisan, because I come here as a lawyer, and hence, to that extent, you must subtract from what I am going to say to you—but I ask myself this question, must we in this country be censored as to what we see, and hear, and read, by law-made boards? That is the principal question which has been adverted to many times here. Must we be censored by some board, created somehow and somewhere, by the authority of law, as to what we shall see, and hear and read?

I am advised that my time has expired.

Mr. TOWNER. One moment, now, Mr. Littleton. Let Mr. Littleton have what time he wants, Mr. Chairman. I am very sure the committee will be glad to hear you. I know I would, personally, to any extent you desire. We can give the other side as much additional time as you take.

Mr. LITTLETON. I am greatly obliged to you, Judge. I shall only take a little of your time. The question has occurred to me, What is our true position as men, as Americans, as people who are interested, all of us, in the real idealism of our Government? Not as men who would make money out of the idealism of our Government or capitalize the passion or taste or desire or art or spirit of the country; but what, after all, must we do as a Government on these great problems? I have thought about it a little. Shall we leave it to the corrective force of public opinion, in the larger sense, which is, after all, the fire and the flame of every democracy? We are a democracy, as a people, as that word is largely used, and to which, storm-tossed as it is, has been committed for good or evil, for weal or woe, the question of the vindication of the establishment finally of the liberty of the people—not their license. And that democracy shot through and through with the very fire and fervor of public opinion. The very public opinion of which I speak, a public opinion which is largely kept alive and blazing by the press of the country, without whose great agency, cataloguing as it does the events and happenings and incidents of all our people of a social, economic, religious, and political character, and without whose cataloguing of these events and the keeping alive of this public opinion popular government must relapse into the darkness of provincialism and prejudice which would make our democracy impossible.

Our great press narrates from day to day the crimes and accidents and shocking events of note and every character throughout the whole country. It pictures every day those things which make us shudder sometimes at the depravity of the human race, sometimes at the human appetite, and sometimes at the terrible danger of immoral living in this world with its crimes and catastrophies and diseases. And we read this day after day and hour after hour. It publishes pictures which tell the story of every feature and phase of human life—social, economic, moral, and religious. It comments with the utmost freedom on every aspect of human activity. It analyzes mercilessly the public questions, social controversies, religious disputes, and all of the purposes and motives and passions of mankind. It debates and criticizes everything which flows out of the life of men and measures. It is the eye, the ear, and the tongue of the Nation, seeing and hearing and talking of everything under the sun.

Who that reads the newspapers does not feel frequently that he would have been better off if he had not read such and such an article? Who that looks at the pictures does not feel "It would have been better for my soul if this impression had never reached it"? And yet the press does that every day. It mercilessly analyzes and probes and penetrates the Government, the officials of the Government, the church, the courts, every agency and institution, religious and political, which has been organized for the betterment of the human race. And ever since this Government was founded no State in the Union, or even the Union, has ever dared to suggest that any of these things should be corrected by virtue of an injunctive process of government; but they have always been left where they belong in an English-speaking country, whose law and doctrine were inherited from and made more perpetual in the great remedies of the common law.

So that if it attacks your person or your property you seek your remedy in the great tribunals which are inherent in the constitutional fabric of this great Republic.

Now, gentlemen, not only the press, but the books, the tracts, the periodicals, the magazines, the drama, the theater, the playhouses, everywhere you go—and what man has ever dared to suggest that we should have a national censorship upon these things. I do not believe it has ever been seriously proposed or discussed through a bill pending in either branch of Congress.

I speak these things because in my humble opinion if I had to say what I thought is better for our Government and our country, I would far rather say, if there be the evils or ills in the Government of our country of which we now speak under the circumstances under which we are now living I would rather bear the ills of 5 per cent which we now suffer than fly to the larger evils of 95 per cent which we know not of.

I do not know that you have the right to do so. Nor do I believe it within the great political philosophy of this Republic. But if you do censor moving pictures I know of no reason why you should not censor the press. I know of no reason why if a man can not go into a place that is leased and pays the fare to see what is to be seen without it having been censored by a board—I say I know of no reason why a newspaper or a magazine should be entitled to print a picture and put it on the bookstands and offer it to anybody that chooses to buy it. And let me urge, if the Government is going to have the courage, the desperate courage, the courage which God forbid it shall ever be driven to, to challenge this enterprise—if the Government is going to do that, why not take our hoary old friend the press, with whom we are all well acquainted, and from whom we have all suffered more or less, and say: "You gentlemen, we will make you subordinate to the censorship of the Government."

When Cuba was about to fight the battle of her last revolution, in which happily we joined, one of the things which made Cuba suffer was censorship, which never permitted the publication in her press of certain of the things which happened there. No longer than this evening I was talking to one of the most eminent Cubans, who asked me why I was in the city, and I told him, and he said that one of the things which made Cuba stay for decades in everlasting darkness was

that by rule of the Spanish Government, which was in possession, they did not permit them to publish the facts, and never, until an American newspaper penetrated that region which lies six hours from the heels of Florida—never until an American newspaper brought the facts to light did the world understand the torture and oppression in Cuba.

• So much, gentlemen, for the general question of censorship. The other question I wish to ask is, If there should be a censorship, why should Congress do it? If there must be a censorship, and if I am wrong in my first contention, if I let the ardor of my feeling for the liberty of my country transcend the limitation of a sounder judgment, let me ask the question, why should Congress do it?

In the States of the Union reside particularly, and I hope everlastingly, the police power. To be sure, some of the police powers of the States have been drawn through the knot hole of interstate commerce heretofore, and made to serve some purpose which many of us would have challenged then and, if we dared, might challenge it now. But the question here is on the morals of the State. Surely that is the closest thing that resides in the very warmest part of the bosom of the sovereignty of the State. And it is naturally so for a dozen reasons, but for none more striking or convincing than that the States hover closely over the family hearthstone and reach nearer the family altar, and the State cares more for the men and the women and the children within her borders than the United States ever can. In my conception the city is the maternal government, the State is the paternal government, and the Nation is the fraternal Government. These are the three subdivisions of sovereignty as they express themselves to me.

This Nation is a political sovereignty of States. The States are the domestic sovereignty in which life, liberty, property, health, and morals are locked up with the people where they can do as they choose anything that their constitution does not prohibit. This Nation, as a great political sovereignty, is here to make its treaties, to sustain its foreign relations, and to do anything that it can that is reasonably implied by the warrant of its Constitution. And if that be so, why should Congress—if there be need for censorship—why should Congress exercise its jurisdiction? Have the States been prostrated? Is the police power debauched? Will the States not do their duty? Can you, gentlemen, can any Member of the House say that his State is so dumb, so dead, so selfish that it will not discharge its duty to protect the morals of its people? Have you no way of settling the matter in your own States? Have we really gone so far that we must appeal to Congress to protect the morals of the people of the various States? I believe no man is willing to say that his State will not do it. Then, why this bill here? What is the necessity?

Now, the last question: If Congress must do it, if I am wrong in my first proposition that we need not have law-made censorship, and if I am wrong in my second proposition and Congress must do this thing, then, if Congress must do it, should not Congress actually do it? In other words, you have said in the bill that the commission shall license every film submitted to it and intended for entrance into interstate commerce unless it finds that said film is obscene, indecent,

immoral, inhuman, and so forth. Will you undertake to tell the commission what is indecent, what is obscene, what is inhuman? Yet this is the province of Congress if it has got any province. If I am wrong in both the other propositions, and we come to the last, and it is finally said that there is a demand by the people of this country and you are trying to carry out the demand, can you carry out the demand by turning over to five men to do something that you are unwilling or unable to do? Why do you tell five men, "You can find out whether this is immoral or not"? Can you not write that in your act? Can you give them any standard in the great region of morality?

Who can tell what is moral and what is immoral? Can Congress tell? Are you discharging your duty if you are responding to the will of the people of this country by saying: "We will give the commission the power to say what is indecent, immoral, and inhuman"?

And I ask you to write some sort of a specification, because that is a great injunctive remedy which you are employing, and I ask you to write it down in the bill what is meant by these words. All Federal legislative power is vested in the Congress; and Congress, both in its vital structure through the Constitution and its ever-changing membership, is designed to represent the settled will of the people of the country.

If Congress acts in a matter of any importance it is required to translate into specific, understandable, and enforceable law, as nearly as may be, the will of the people. The Congress must not impose the burden of finding out what is the will of the people upon an appointive, irresponsible commission. It must not abandon to such commission the duty of ascertaining and declaring the will of the people. If it be the will of the people of this country, as I have no doubt it is, that immoral pictures, or films, shall not be exhibited, and if we have come to the point as a Nation where we are willing to enter upon law-made censorship of what we shall see and hear and read, and if the police powers of the States are so prostituted that the State will not protect the morals of its people, and if it is now the duty of Congress to turn the will of the people into law, all of which is challenged, then Congress must act as the medium through which the people express their will, and not set up an oracular oligarchy of blind bureaucrats as the medium of the expression of the people.

What is an immoral picture of film? Who can answer that question? Must that question be answered for 100,000,000 people by 5 men whom they did not choose? Must that question, which reaches from the nether sewers of flagrant immorality into the very stars of the ethical firmament, be answered for every man, woman and child in the Nation by a group of quixotic and querulous old gentlemen, solemnly settling the morals of the Nation by presidential appointment?

What is immorality in a picture film? Shall the educated amusement-loving men and women in America call on Congress to answer this question, and then Congress in turn leave it to a body of five men to answer it? What is an immoral picture or film which shall be withheld from the view of the public? If Congress is speaking for the people, will it write into the law an answer to this question,

or will it remit us to an appointive board for the answer? Do the people demand that Congress shall enact laws prohibiting immoral films or pictures? If so, will Congress obey that demand and write a law setting forth what the people wish prohibited as immoral, or will it answer the demand by telling the people it has turned over that great question to five appointive and underpaid men?

If all of this is answered by saying that Congress can not define what is or what is not an immoral picture, and can not write a law which will fix the standard, then how could we hope that five nominees of the President will be blessed with the wisdom or endowed with the genius to strike the line of cleavage between a moral and an immoral film or picture?

Gentlemen, I can not tell you how much obliged I am for the liberal extension of time that has been given to me to say the things I have to you. I believe the bill should be beaten, because censorship lies in the great sovereignty of the decency of this country and the regulative force of public opinion always will, and always should, prevail in a free Government of red-blooded English-speaking people, and I believe, if I am not right in that, all censorship resides in the bosoms of the States of the Union; and, lastly, if I should be wrong in both of those propositions, I believe if you give any commission any power to do anything you should write down the standard by which they shall be guided, so that men's lives, liberty, and property and their pursuits and their ambitions may be protected.

I think you very much.

The CHAIRMAN. Mr. Binder, you have four minutes.

MR. BINDER. Mr. Seabury is the general counsel of the board, and he will now speak to you.

MR. SEABURY. Of course, it is a travesty, gentlemen, to attempt to make a legal argument upon this question in four minutes. I can not do it, and no member of this committee can do it, and no other man can do it. I will have the pleasure, I believe, of submitting to you a brief, and I will endeavor to give you in these few minutes at my disposal what the outline of this brief will be.

We will first argue upon the facts which have been discussed here before you, as a first proposition, that Congress is without power to pass any censorship bill.

We will next say to you that Congress is without power to enact this particular censorship bill.

We will next say to you, as a third proposition, that a matter of legislative enactment—thus the bill is a monstrosity, and I do not mean this particular bill, but the whole subject matter.

In order that you may understand that where statements are not mere idle expressions of opinion in regard to the legislative want of power in Congress to enact a censorship bill, I want to say this: Everybody knows that this power to enact this bill is predicated upon the commerce clause of the Constitution, and everybody has told us that a censorship statute is a police regulation. This is why the Supreme Court of the United States, when it decided the Mutual Film Co. case, upheld the constitutional validity of the State censorship act. They said this is a matter which is exclusively within the power of the States to regulate. When the States assumed to

regulate it, then it was imposed upon a subject matter which was in interstate commerce a substantial tax and credit; it, nevertheless, in the exercise of its police power draws to its own exclusive jurisdiction so much of the right not to interfere with interstate commerce as to permit the imposition upon the commerce when it comes wholly within the State a tax.

Mr. TOWNER. There has not been any decision of any supreme court, either State or national, upon the question as to whether or not the Government or the Nation would have any power under this commerce clause?

Mr. SEABURY. There has not been any decision, so far as I know.

Mr. TOWNER. All of these decisions that have been made were made, so far as I know, under the exercise of the police power, and the question has not been determined whether or not it was—

Mr. SEABURY (interposing). An interference with interstate commerce.

Mr. TOWNER. Of interstate commerce?

Mr. SEABURY. Yes, sir.

Mr. TOWNER. I supposed that the legal proposition arose under the provisions of the bill of rights.

Mr. SEABURY. No; the question was specifically involved, and specially decided by the Supreme Court in two or three cases. They have decided that simply because a State had assumed to regulate its own police power, the National Government could not interfere. We have here the proposition where the Government is attempting to interfere with the exercise of the State's police power, when in reality every man on this committee and everybody here knows that the only power which Congress seeks to exercise is in reality the police power of the several States. There is no use in fooling ourselves. We will certainly fool nobody else by the enactment of such a law as this.

Mr. TOWNER. Do you discuss in your brief the question—the lottery case, for instance, might not apply. Can you tell us briefly—

Mr. SEABURY (interposing). I will endeavor to do so. We distinguish the lottery case on these grounds. I made a concession to you, Mr. Congressman, when you first asked me the question as to whether or not Congress would have the power to regulate the transportation of films, but I direct your attention to this fact, that the question is not the regulation of commerce, but the censorship of films, and I say that a statute which simply says that there shall be no indecent films, with all of the other verbiage that goes with it, transported, I say that that is a direct exercise, not of the police power, but of the commerce power, of Congress. I say that, inasmuch as that tends to alleviate the morals of the communities in the various States, that is clearly within the power of Congress to regulate commerce. The power to regulate commerce is not incident in that connection to the police power of the several States.

Now, so far as the lottery cases are concerned, all these cases are based upon the positive authorities. There are only two statutes of the United States with reference to the lottery cases, so far as I have been able to discover. One says that no scheme shall be maintained through the mails, and the other makes it a crime to deposit

anything connected with a lottery in the mails, so that that power is predicated exclusively upon the authority to regulate the mails plus the commerce.

Mr. TOWNER. The Supreme Court of the United States did not dismiss the decision of the lower court upon that ground.

Mr. SEABURY. In the lottery cases?

Mr. TOWNER. Exclusively; no, sir.

Mr. SEABURY. Might I ask upon what other ground it could be based or was based?

Mr. TOWNER. Upon the general power of the Government to control interstate commerce, I suppose.

Mr. SEABURY. Oh, no; that is what I have said, that it was under the commerce clause of the Constitution plus the postal authority.

But might I direct your attention to this: A number of matters have been mentioned here, each one of which I shall endeavor to argue.

Mr. TOWNER. I did not ask you to discuss it at length, because I know you have not time. I ask you if you had discussed it in your brief.

Mr. SEABURY. We have.

Mr. TOWNER. And we shall be very glad to read it.

The CHAIRMAN. Your time has expired. You have seven days in which to submit your brief.

Mr. SEABURY. I find myself unable to express my great appreciation for the courtesy extended to me by the committee.

Dr. CRAFTS. I understand that Mr. Lasky would like to speak. If so, I would yield to Mr. Lasky.

#### STATEMENT OF MR. ARTHUR S. FRIEND.

Mr. FRIEND. I am the attorney for the Lasky Co., and not Mr. Lasky, and I am also authorized to speak for the Paramount Picture Corporation, the Famous Players Corporation, the World Film Co., the Equitable Motion Picture Corporation, and semiofficially on behalf of the Metro Pictures Corporation, all of them except the Lasky Co. and the Famous Players Corporation being large distributing organizations, engaged in the distribution of pictures. The Jesse L. Lasky Photo-Play Co. and the Famous Players Corporation are solely producing companies.

The Paramount Pictures Corporation and the Lasky Co. have built their entire business, and gentlemen, it is a very successful business, if not the most successful, it is one of the most successful in the entire industry. I want to say that their entire business has all been built on the theory that the American people want nothing but fresh, clean, decent entertainment shown on the screen, and I wish to say on behalf of these people that they are unalterably opposed to the bill which your committee is now considering, not because they oppose Federal regulation of their business, but because this bill which you are now considering is a practical impossibility, and if put into force would effectuate the wiping out of their enterprises, or substantially the wiping out of their enterprises; and I want to say, too, that some one has suggested an amendment to the penal code which would prevent the transportation or make punishable by imprisonment the transportation of filth. I want to say

to that that we are unalterably opposed to that, for the reasons Mr. Littleton put before you. There is a sufficient police power in every State to imprison or punish people who exhibit such films, and I am sure the Government of the United States does not care to stop the transportation of anything fit for transportation, and which is not used in any way that would use the mails unduly.

Mr. POWERS. That does apply now to obscene literature. Why would you object to putting your business in the same business, so far as interstate commerce is concerned?

Mr. FRIEND. We object because there is a sufficient remedy against it and because we believe very firmly that unnecessary legislation is the worse crime of which any legislative body can be guilty, and we believe, too, that instead of that a proper and decent regulation of this industry will accomplish a great deal more not only for the various industries which our product reaches, but for the industry itself; and I am prepared to say, on behalf of the companies who have asked me to speak for them, that if the industry were free of protection, that we feel the industries are entitled to, that we ourselves would be glad to cooperate with the framers of this bill or any other committee that proposes to offer a decent, sound, practical, workable bill for the regulation of the moving-picture film business.

We want to say that if Congress will give us a good commission, a commission made up of men who will exercise some degree of judicial temper—show some degree of judicial temper, some decent, sound judgment—if that commission has its power through a bill that is practicable, that can be worked out, that will give the industry the protection that it requires—and it requires protection, as well as the public to whom it shows its pictures—that we will be glad to work with you.

The CHAIRMAN. Will you allow me to interrupt you a moment?

Mr. FRIEND. Certainly.

The CHAIRMAN. I wish to say that the committee has been very insistent in trying to get the cooperation and any suggestions possible from these gentlemen who compose these manufacturing companies. We have urged and we have requested that they present some features that, if the bill should become a law or if it was found desirable to present a bill to become a law, that they would present to this committee their view, that we might understand it and get out a perfect bill.

Mr. BINDER. And we have done so.

Mr. FRIEND. Unfortunately, we who are in the minority—we did not hear the call.

The CHAIRMAN. You have heard it now.

Mr. FRIEND. But we will be very glad to do what we can now. We feel that our ideals are right, and so far as regulation is concerned—regulation, not censorship—we have nothing to fear.

Mr. DALLINGER. Do I understand that you are in favor of their publication without any appeal to the courts?

Mr. FRIEND. No; we are in favor of a sound regulation before publication. We, however, would assuredly have the right to appeal to the courts.

Mr. DALLINGER. You say that you are not in favor of some sort of a censorship, if it can be worked out, whereby some Government board or commission can cooperate with you in the original part of

making up the original steps—the preliminary steps—of making up a motion-picture film; is that right?

Mr. FRIEND. Yes; to a degree. That is distinctly right, if I may make it a little more clear. We are in favor of a commission to whom we can submit our finished product, or, in certain cases, and in many cases, if we prove ourselves worthy, if our intentions class up to our product, with whom we can get the stamp or seal of approval or, if it is necessary, the stamp or seal of disapproval, and from whose decision we shall always be permitted to have the right of appeal to the courts. I agree with Mr. Littleton that it is futile to try to cut off from this industry or from any other important industry the right to go to the courts. That has always been recognized by the Government and the Congress of the United States; and my idea is that the proper legislation, with the right of appeal to the courts, will solve a great many of the problems that we are facing to-day in our struggle to do good, decent work.

The CHAIRMAN. I understood you to say if these conditions were coupled with the other conditions and you had the right kind of a board, you would welcome it?

Mr. FRIEND. If the bill is passed, we will make it our business to urge upon the President and the Senate the appointment of the right kind of commission.

Mr. BINDER. I should like to know what authority the gentleman has to speak for the Metro people, as I understand they are otherwise represented here to-night.

Mr. FRIEND. By written authority, addressed to Mr. Hodkinson. I will read it. It reads as follows:

JANUARY 19, 1916.

MR. W. W. HODKINSON,  
*President Paramount Pictures Corporation,  
489 Fifth Avenue, New York City.*

DEAR MR. HODKINSON: We have been opposed to the spirit and essence of censorship because it places on the few the responsibility of judging for the many, because censorship is often construed as an invitation for censoriousness, and because in operation it bears fruit in rulings that are hampering, petty, and needless. Such a condition makes against progress in art.

And, on the other hand, we welcome regulation, not censorship, that will protect the producer of clean and entertaining pictures from the competition of salacious pictures.

In our opinion, such regulations should, in plan and operation, be broad, sympathetic, and designed solely for the protection of the public and the manufacturer against pictures that are indecent, obscene, or inciting to crime.

The regulations should be free from the influence of the professionally virtuous, free from the whims of politics, and operative in so hard-headed and sensible a manner as to solve the problem for the entire country.

We hope that this makes our position clear on this subject.

Yours, truly,

R. A. ROWLAND,  
*President Metro Pictures Corporation.*

### THIRD STATEMENT OF DR. WILBUR F. CRAFTS, OF WASHINGTON, D. C., SUPERINTENDENT OF THE INTERNATIONAL REFORM BUREAU.

Mr. CRAFTS. Since I was here on Friday I have been in what might be called "the enemy's country," but I have found it very friendly, as the cooperation just proffered by Mr. Friend suggests. On telegraphic invitation of the president of the Paramount Pic-

tures Co., Mr. W. W. Hodkinson, I went to his office, and finding him in favor of the principle of Federal regulation of the motion-picture interest as a method of protecting the better class of companies against the competition of the worst, but opposed to some details of the Hughes bill, I sought and received his expert help and that of his attorney, Mr. J. C. Myers, in making the Smith-Hughes bill more practicable and in every way fair to the great industry whose bad elements alone it is intended to curb, in the interest of the business as well as of the people. Other producers were then called into consultation and I received additional suggestions from the whole group, for which Mr. Friend has spoken to-night in favor of Federal regulation under a revised bill. These companies are the Paramount Pictures Association, the Lasky Co., the Famous Players Corporation, the World Film Co., and the Equitable Motion Picture Corporation. I have also received letters from three other motion-picture companies favorable to the bill. And yet another company, one of the foremost, has assured us it would support the bill if it could be persuaded that Federal censorship would supercede the vexatious fragmentary censorships, State and local, voluntary and official, as we feel sure it will when this bill puts great experts on the job at salaries which will command the best talent and full time and abundant assistance.

What the chairman of this committee, Mr. Hughes, has so often asked, namely, that those in the motion-picture business would suggest the details of a bill fair to them and practicable, I, too, have been asking by correspondence and interviews for a year past, and I rejoice that we are at last getting this desired help from the better men in the business, who are not afraid of sane regulation, such as is given to every other interstate business. I want to thank the president of the Mutual Film Co. for his criticisms of the bill a few moments since. In my opinion, it was the best speech that has been made against the bill, because it brought expert knowledge to bear on the bill for its amendment. I am glad to assure him and all of the trade that every criticism he has made has been previously made by those I have consulted and has been adopted in the revised bill. I have also consulted my associates. Canon Chase and Mr. Barber, and find that they approve the revised bill in the main. All three of us and the film producers I have consulted reserve the right to suggest further amendment.

I will now go through the original Hughes bill, indicating some of the more important additions and substitutions aged on, none of which in my opinion weaken the bill, but all of them make it more just and practicable.

We ought to work together to improve the details of the bill, rather than discuss vainly whether this one only of the great interstate forms of business shall be exempt from Federal regulation, for the people are going to have some kind of regulation or censorship, whichever you please to call it.

The first proposed change in the bill appears in the fifth line, and is made by the insertion of the words "with the consent of the Senate," making the bill read "that the commission shall be composed of five commissioners appointed by the President, with the consent of the Senate, one of whom shall be designated as the chairman." That gives opportunity for very careful discrimination as

to who the men appointed on the commission shall be. The President has shown his good will to the motion-picture industry by promising to speak at its annual dinner next week, and he will be influenced by public opinion, expressed in letters and petitions, in appointing the commissioners, who, we may be sure, will not be enemies of this great business, but only of its abuses. And then in the Senate the fitness of the appointees can be thoroughly sifted, with public opinion once more expressed. We do not anticipate a commission that will do more than eliminate the worst films, in the interest of the high-class producers quite as much as the public. Parents and teachers will still need to teach the young that "the better is a great enemy of the best."

The next change proposed is the addition to section 1 of these words: "The office of the commission may be located wherever prompt discharge of its duties requires." There has been a feeling that it would be a hardship on the producers who have large offices in New York and California and elsewhere to be compelled to come here to the National Capital for their film licenses. It was not required in the original bill that they should come here, but it is well to say specifically that "the offices of the commission may be located wherever the prompt discharge of its duties requires," so that sub-offices at least may be located at New York and Los Angeles, the two foci of the motion-picture interest in this country.

The opinion has been concurred in by nearly a dozen motion-picture producers that I have consulted that the salaries provided in the bill are not sufficient to get the best censors, men of a high judicial type.

The Interstate Commerce Commission is the pattern upon which this bill is drawn, and it is desirable to get men of the same high type to sit upon this commission. In order to do that we should pay them similar salaries. The producers consulted thought that \$8,000 for the chairman and \$7,500 for the others is about the proper figure. As the men in the business are the ones who will have to meet the salary expenses by paying fees, I do not know that any of us should have any objection to paying liberal salaries. Indeed, I can see the value of having high-priced men.

In section 3, line 3, we would strike out the word "censoring," which occurs only once in this bill which is really for regulation by licenses of the motion-picture interest, just as the lawyers and doctors are regulated by a requirement they shall be licensed. And instead of saying "films" we would say "motion-picture films" at this first point in the bill where films are mentioned. Thus amended the provision would read: "That the commission may appoint advisory commissioners to assist in the examination of motion-picture films." Some have said here hypercritically that we could not send an ordinary photographic film through the mail under the provisions of the bill as it stood—a petty criticism, but I think we may as well remove all occasion for it.

In the last line of the second page, the appropriation should be doubled if the salary is going to be doubled, and the expense provided for should be \$80,000 instead of \$40,000 a year, which will enable the commission to do its work with a high quality of men, not only for commissioners but also for deputies. It has been said here time and again that this censorship or regulation is to be put in the hands of "five men" under the provisions of this bill. That was

never a fair criticism, for the bill originally provided for an unlimited number of deputies and "advisory commissioners." All the noble men and women in New York and other places who have been doing such a fine work in censoring picture films heretofore may be appointed "advisory commissioners." The New York and Cleveland and Chicago censors and others who have been at work on this problem should be of great assistance to this commission, some of them perhaps as commissioners, some as deputies, all of them as advisers.

On page 3, section 5, line 1, we think the word "promptly" should be inserted to put the commission under mandatory order to issue licenses promptly, avoiding all resemblance to the slow coaches of our courts. Deputies with advisory commissioners would doubtless be authorized to license new films immediately at New York and Los Angeles and at other suboffices, and other films speedily, except when there was a division of opinion. Only when a deputy or his advisers or the film owner or lessee desired and appeal would there be any occasion for even slight delay. Only such appeal cases probably would go to the commission as the supreme court of censorship.

We have made changes in section 5 so that the Government will deal only with the person, firm, or corporation which is the owner or lessee of a film. There remains no punishment for transportation companies or exhibitors, only for owners or lessees. The Government has only to keep about 50 producers and importers straight and a few other owners and lessees. It simplifies the proposition. If a condemned film gets into circulation the man who owned the negative when it was rejected is held responsible. It is the producers themselves whom we have consulted that have asked for this responsibility.

Then we propose to eliminate in the sixth line of section 5 the words "children or adults." It is not our thought that every film should be weighed from the viewpoint of children only. There are important suggestions along that line that have been published by the New York censors. We can trust the commission to work out the problem of films for adults and films for children. The producers consulted agreed with me that it would be bad psychology to announce certain films for adults only, as it might create an expectation of something salacious, when it only meant that the film was on a subject beyond the experience or understanding of children. The greater problem is the protection of adolescent youth, who feel temptations that would be unintelligible to children. Suggestion is made elsewhere in the bill for the commission to recommend photo plays "especially appropriate for children."

Then we suggest that there be added to section 5 this provision:

The commission may, by unanimous vote, withdraw any license at any time for cause shown. The commission may license a film after examination of its scenario only: *Provided, nevertheless*, That any license so granted shall be canceled whenever in the judgment of the commission the film does not reasonably conform to the scenario in action and spirit.

We think this is very important, as it puts a premium upon and offers a reward for good behavior. The lessening of expense to producers and importers enters into the spirit of this matter, and it is also for the public good. Instead of having a picture destroyed

after the expense of making it, the scenario may be submitted in advance.

We would strike out the whole of section six, which deals with the matter of a seal and is not necessary. If the producer or importer is required to strike out certain portions of films, then the commission must, in some way, by detectives or by destroying the offensive portions of the film and its originals, see that that provision of the law is carried out. Perhaps by putting a serial number into the title part of the film and some symbol when it is licensed the detection of violations may be aided in the interest of the honest producers as well as of the public.

Section 7, which will be new section 6, we would have read in this way:

That when any film has been approved the commission shall issue a license.

We drop the word "certificate." "License" is the term we are using all the way through. That section 6, then, would read:

That when any film has been approved the commission shall issue a license to the applicant which shall bear a serial number and state its title and give the date of the license and the number of linear feet contained therein and shall fully described the film.

Copies of this descriptive license are to go with the film for public inspection, and other copies are sent to deputies, advisory commissioners, and, no doubt, police authorities will sometimes get them.

On page 4 we cancel sections 8 and 9. Section 8 refers to seals and certificates, which are not necessary, and we cancel all references to both wherever they occur. Section 9 refers to copyrights, and is not essential, and we think it may cause some complication in connection with foreign countries.

So we come to section 10, which will be now the new section 7. We think that section should read:

That no producer or importer shall carry or transport or cause to be carried or transported any motion-picture film from or into any State, Territory, or possession of the United States unless such film has been licensed by the commission: *Provided*, That this section shall not apply to films consigned to the commission nor to films transported in one continuous journey by the producer for purposes of manufacture.

Let section 12 read in this way:

That a fee of \$1 shall be charged for each thousand feet of film or a fractional part thereof, and 50 cents for each like measure of duplicates.

Another section provides that if, after six months, the receipts are found to be too large the fee will be cut down. In other words, it is provided that there shall be no more money derived from this fee than enough to pay the expenses of the commission.

For section 14 we would substitute new section 11, which reads as follows:

That any violation of this act shall be punished by a fine of not more than \$500 or imprisonment for not more than one year, or both, and any film or portion of a film unlawfully transported, exhibited, or changed shall be destroyed, also all copies and negatives and other originals.

If such were destroyed in advance, by agreement, this, of course, would have no application.

Section 18, new section 14, now reads: "That this act shall take effect three months after its approval by the President; but nothing in this act shall apply to films which have been exhibited to the

public prior to its approval." A list of these excepted films, with full description, should be required by the commission, and they should have some mark in the title part of the film to prevent the sending out of new films without a license. There is provision in the bill also to save good films from the competition of bad films already in circulation in that the commission is authorized to call in any film, new or old, for inspection, with a view to license or rejection or to determine whether it is in conformity with the requirements of the commission. And it is also provided that films so excepted may be submitted for license at the request of any producer or importer who desires the indorsement of the commission.

That is the sort of constructive work that we have been doing here in conjunction with the cooperation of the Paramount people and other companies closely related to it. We have been getting some of the help which the committee has been asking in the way of drafting a bill in satisfactory form. And now I submit the revised bill, which is subject, of course, to further improvements from all concerned.

Revised edition of Smith-Hughes bill (S. 2204, H. R. 456) for the regulation of motion pictures in interstate and foreign commerce, embodying changes suggested by Messrs. Hodkinson, Myers, Lasky, Friend, and others in motion-picture business, and Messrs. Crafts, Chase, and Barber, and other welfare workers.

A BILL To create a new division of the Bureau of Education, to be known as the Federal motion picture commission, for the regulation of motion pictures intended for interstate and foreign commerce, and defining its powers and duties.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That a commission, to be known as the Federal motion picture commission be, and the same is hereby, created, to be composed of five commissioners appointed by the President, with the consent of the Senate. One of the commission shall be designated as chairman. At least one member of the commission shall be a woman. The commission shall be a division of the Bureau of Education in the Department of the Interior. The commission shall maintain a suboffice in New York City and another in Los Angeles, California, and may establish other suboffices at its discretion.

Sec. 2. That each commissioner shall hold office for six years, except that when the commission is first constituted two commissioners shall be appointed for two years, two for four years, and one for six years. Each commissioner shall thereafter be appointed for a full term of six years, except that any person appointed to fill a vacancy shall be appointed only for the unexpired term of the member whom he shall succeed. The salary of the chairman shall be \$8,000 a year and of each other commissioner \$7,500 a year.

Sec. 3. That the commission may appoint deputy commissioners and other assistants and fix the compensation of each. Actual and necessary traveling expenses shall be allowed to those who travel on the business of the commission. The commission shall have power to make rules and regulations and exercise functions necessary to the efficient performance of its duties, and to secure obedience to the provisions of this act, and shall be provided with necessary office furniture, stationery, supplies, projecting machines, and appliances for inspection of films: *Provided, however,* That the entire cost of the commission, including salaries and all other expenses, shall not exceed \$80,000 a year.

Sec. 4. That the commission may appoint advisory commissioners to advise and assist in the examination and licensing of motion-picture films, who shall hold office during the pleasure of the commission and serve without compensation. No person shall be appointed an advisory commissioner who, directly or indirectly, has any pecuniary interest in the exhibition of motion pictures or in any film exchange or firm or corporation engaged in manufacturing motion-picture films.

Sec. 5. That the commission shall promptly license every motion-picture film submitted to it and intended for entrance into interstate or foreign commerce, unless such film or some part thereof is obscene, indecent, immoral, inhuman, or is a reproduction of an actual bull fight or prize fight, or is of such character that its exhibition would tend to impair health or corrupt morals or incite to

crime. If the commission shall not license any film for any of the reasons set forth it shall furnish to the applicant a written report clearly setting forth the reasons for its rejection, and the part or parts of the film rejected, and may grant a license conditioned upon the elimination of such part or parts. The commission may require that condemned films or condemned parts of films shall be left in the custody of the commission, with all copies and negatives and other originals. The commission may at any time, by unanimous vote, on such conditions as it deems proper, license a film after examination of its scenario only. Such license shall be revocable only on five days' notice to the licensee and by the affirmative vote of at least three commissioners. By like vote and on like notice the commission may revoke any license issued for cause shown. Any film rejected may, after revision, be resubmitted to the commission. Films and scenarios may be submitted not only at the main office of the commission but also at suboffices, and the commission may delegate to deputies and advisory commissioners in suboffices full power to issue license, subject to appeal to the commission by any deputy or by the licensee of the film: *Provided*, That no film shall be refused a license except after it has been inspected by at least one member of the commission, and no film, after appeal, shall be finally refused or granted a license except by affirmative vote of at least three members of the commission. Appeal from decisions of the commission may be had to any Federal court, but only on the ground that the commission has exceeded or abused the powers conferred by this act.

SEC. 6. Any person desiring a license, as in this act provided shall submit a sworn application in the form prescribed by the commission. Said application shall be given a serial number, which shall be a permanent part of the title in the film and in every copy thereof.

SEC. 7. That when any motion-picture film or scenario has been approved the commission shall issue a license to the applicant to transport the film in interstate and foreign commerce. The license shall be in the form prescribed by the commission and shall give the serial number of the application, the title, the date of the license, the number of linear feet, and a full description of the film. Copies of the license shall be provided to accompany the film and every duplicate, and shall be sent to deputies and advisory commissioners, who shall also be supplied with a list of the films rejected and a list, hereinafter provided for, of films in circulation before this law went into effect. The license accompanying the film shall be open to the inspection of any municipal official or any officer of a civic organization. The title part of any licensed film shall contain some mark or symbol, determined by the commission, which shall be plainly visible to those viewing its exhibitions and some distinctive and durable tag, prescribed by the commission, shall be firmly attached to the container in which the film is habitually transported.

SEC. 8. That no person, firm, or corporation shall carry or transport, or cause to be carried or transported, any motion-picture film, developed or undeveloped, from or into any State, Territory, or possession of the United States unless such film has been licensed by the commission or has been exempted in accordance with the provisions of this act: *Provided*, That this section shall not apply to films consigned to this commission, nor shall this section be construed as prohibiting the carriage or transportation by or for the producer himself, in one continuous journey of his own undeveloped film for purposes of manufacture: *And provided further*, That the owners and lessees of motion-picture films which shall have been exhibited in the United States prior to the approval of this act shall not be required to secure interstate license for said films, but each shall furnish the commission a list of all his motion-picture films that are in circulation in interstate and foreign commerce, with a full description of each, which shall be published for information of the commission and its assistants; and the commission may require that all such excepted films passing in interstate and foreign commerce shall bear some designated mark or symbol in the title part of the film and some durable tag on the container, differing from the tag for licensed films, by which the agents of the commission may recognize them as entitled to the exemption herein granted: *And provided*, That any film, old or new, transported in interstate or foreign commerce or a copy thereof shall be submitted to the commission for inspection if the commission, on complaint of any civil official or of any officer of a civic society, shall so require; and any film so inspected shall be licensed or excluded from interstate and foreign commerce upon the same terms as films produced after this act takes effect: *And provided*, That any exempted motion-picture film may also be inspected for license on request of the owner or lessee. The fact that any film is in any State other than the one in which it was produced without a license or certi-

ficcate of exemption or the required mark and tag shall be prima facie evidence that it has been transported in interstate commerce in violation of this act.

SEC. 9. That no motion-picture film which has not been licensed or exempted by the commission shall be exhibited in any place of amusement for pay or in connection with any business in the District of Columbia, or in any Territory of the United States, or in any other place under complete jurisdiction of the Federal Government.

SEC. 10. That a fee of \$1 shall be charged for each thousand feet of film or a fractional part thereof licensed, and 50 cents for each equal measure of duplicate films.

SEC. 11. Commission may charge for tags and for exemption certificates a sum sufficient to cover cost of making, handling, and recording.

SEC. 12. Any change or alteration in any film after license, except the elimination of a part, shall be a violation of this act, and shall also void the license.

SEC. 13. That the commission shall annually, on or before the first day of December of each year, submit a written report to the United States Commissioner of Education. In this report, and from time to time by other means, the commission may recommend films particularly suitable for children and make suggestions regarding recreational and educational uses of motion pictures.

SEC. 14. That each violation of this act shall be punished by a fine of not more than \$500 or by imprisonment for not more than one year, or both, and the films or parts of films unlawfully transported, exhibited, or changed shall be surrendered to the custody of the commission and may be destroyed.

SEC. 15. That fees received by the commission shall be paid monthly into the Treasury of the United States.

SEC. 16. That upon the expiration of six months from the date of the approval of this act, and from time to time thereafter as circumstances warrant, the commission shall change the license fee to such a sum as will produce no larger income than is necessary to pay the cost of the commission, including salaries and all other expenses.

SEC. 17. If one or more sections of this act shall be declared unconstitutional, it shall not void the other sections.

SEC. 18. This act shall take effect immediately, except section 8, which shall take effect three months after the approval of this act by the President.

So much for the revised bill, representing tentatively, subject to further changes from either side, the united sentiment of a considerable group of film producers and the promoters of Federal censorship or regulation of motion pictures.

#### BEST PRODUCERS YIELDING TO LOW COMPETITION.

And, now, as to another matter. I think it is as important as anything that has been discussed in these hearings. The situation to-day is that, while a majority of the motion-picture producers and importers desire to give us clean pictures, there are some bad men in this trade as in every other. There are some who care only for profits, and would coin the bodies and souls of young and old to enrich themselves. I know, and every man knows, that there are some bad pictures exhibited in every large city. There is on the streets in almost every city some one of these motion-picture houses which is noted for its rank sex plays. In almost every large town there is every day that kind of photoplay which deals in an attractive and alluring way with crime. These two kinds of photoplays get the largest crowds in almost every large city. Human nature, being what it is, boys and girls in their teens and many respectable grown people with a yellow streak in them, flock to those places, and they get more patronage than they have any right to. All the better class of motion-picture theaters are in need of such protection against them, as the Metro letter says. But in the absence of adequate censorship, what happens?

The best producers to-day are under tremendous temptation, and are somewhat yielding to it, to put more sex appeal into their plays

to save their business from low competition—the very relief this bill would afford without lowering their ideals. A manager of one of the best companies said to me to-day: “We have got to save our business. We have a lot of money in it. With these vile plays going on and drawing crowds, we have got to put in a little more of the sex element ourselves, and we are doing it, and so are all the best companies.” This same man said to me: “I have to read the scenarios submitted to our company, and 90 per cent make an appeal to sex.” He said also: “My mother has stopped going to these photo-plays because so many of them have offended her sweet soul.”

But suppose, now, that we get effective censorship? The bad photo-plays are barred out, and the decent places divide the patronage.

Many of the patrons of these bad places are without homes. Many of them are transients in the city. They follow evil things when in the lack of law it is made “easy to do wrong,” but they will attend the better class of places if they can not have the other kind. When we have a censorship that is effective in all the 22,000 motion-picture theaters of our land, these vilest films are going to the limbo of crimes against civilization with piracy and slavery and prize fighting, and the better class of motion pictures are going to get the patronage.

#### WELFARE WORKERS GENERALLY FOR THE BILL.

I have here a petition, which has just come in to-day, officially representing the 850,000 members of the Methodist Epworth League, asking for this bill. I have just come from the Federation of Women's Clubs of New Jersey. They are familiar with the work of the national board in New York, but they know it can not enforce its decrees. They know it represents the sentiment of New York and not that of the Nation. They, the representatives of the women's clubs of the whole State of New Jersey, are unanimously in favor of this bill.

Here is the action of the New York East Conference of the Methodist Episcopal Church, in 1915, on censorship, which is very significant, coming from leading pastors of New York City, as showing the so-called “national board of censorship” has not provided what they regard as adequate protection from bad films:

Whereas millions of our American youth daily attend motion-picture shows; and Whereas many shows have degenerated into mere schools for crime, because of the improper films permitted by the farcical, so-called national board of censorship; and

Whereas the plan for a Federal board of censorship at Washington has not come to fruition as yet: Therefore,

*Resolved*, That the New York East Conference, representing several hundred ministers and churches in New York, requests our State assembly at Albany to create a State board of censorship, as have Pennsylvania, Ohio, and other States.

The constituency back of this resolution have before and since, through the New York Methodist preachers' meeting, asked for Federal censorship through the Smith-Hughes bill.

The welfare forces of the Nation, with only exceptions enough to prove the rule, so far as heard from, are for this bill.

For people to tell us there are no bad pictures is to say that the great majority of our welfare workers do not know bad pictures when they see them. Our opponents would have made a stronger

case if they admitted there are not a few bad films and bad producers and bad exhibitors behind them.

#### SPECIOUS APPEAL TO LIBERTY REPEATED.

We have been told again and again in these hearings that this is an interference with liberty. I did not suppose that we would have to meet that question after the decision of the United States Supreme Court. It is a common habit now in certain cities to bar out a bad play by "prepublicity censorship" of the police. It has been done for years. It is nothing new to stop a play in advance. Never have I heard in 27 years of dealing with bad plays that it was interfering with "the freedom of the press" to prevent the giving of a bad play in the regular theaters. The question of a free press is not involved. The Constitution takes care of that. We can not prevent the publication of a public criticism. The matter that is put in the press is to be judged afterwards. But the Supreme Court of the United States has said, in the Ohio censorship case, as I have shown, that miscellaneous shows conducted for amusement and profit are in no sense a part of the free press. If we are to have censorship, we want it on this high plane. We want men in charge of it who know psychology. Censorship is here to stay, and since there is going to be censorship, let us have it of the highest grade and with full authority to deal with these harmful films of vice and crime.

#### DIFFICULTIES IN POLICE PUNISHMENT OF FILM EXHIBITORS.

Shall we leave the harmful film to be punished by the police? See what that means to the business. Here is a bad picture exhibited to-night and somebody tells the police. What is going to happen? Why, the police are going to seize the picture, or order it kept in town for court, if they are unusually quick and can catch these fowls that "fly by night" before they are out of jurisdiction.

It takes swifter justice than we usually have at hand to overtake a bad film moving to a new place every day. And, if it is seized, the court must send a jury to the theater to see it, causing a delay comparable to the liability that a car in a Pacific railroad was liable to be sidetracked any day for scrutiny by a court. While the jury is going over there, what is to prevent the man who owns the film from cutting out the objectionable part? We hear that has been done. We favor the proposed amendment to another law, asked for by the general counsel of the motion-picture interest, to include "obscene motion-picture films" specifically in obscene articles barred from interstate commerce, only we want it not as a substitute but as a companion of this bill. But it will be found very troublesome, unless "prepublicity censorship" has kept most of the obscene films, if not all, out of civilization.

We are told by Mr. Littleton that these men of the commission would have no standard by which to decide what is obscene. I wonder if people who make that objection remember that every jury is a board of censors to decide what is obscene. The court says to the jury: "Look at that picture and decide whether, in your opinion, it would create lewd thoughts and feelings in the minds of susceptible persons, young or old."

I understood Mr. Littleton, or the attorney for the Century people, to say that we could not, under the interstate commerce act, do

anything to help States and cities to enforce the laws. I submit to this committee whether the censoring of bad beef by Federal officers in packing houses is not a fine illustration of national-law enforcement and of the "prepublicity" preventive kind.

As I understand it, the United States Government puts an officer into every packing house in this country, and he has authority to see every pound of beef. He inspects it, censors it before the act, and, if it is bad, it can not go out. It is a Federal act and not dependent on the action of the State or the city, and we have in that a perfect precedent for the more important censoring of this bill. The two bills together would conserve what our courts often declare the supreme concerns of government, "public health and public morals."

Mr. SEABURY. May I ask the chairman a question as to method of proceeding? We have been confronted within 20 minutes of the closing hour with a brand new bill, and I should like to ask the chairman to which bill we are to respond.

The CHAIRMAN. The committee propose to take up this bill and amend it in the committee as they see fit and proper.

Mr. TOWNER. This bill has never been read by the committee. It has never been considered by them. It was thought, and I think very wisely, by the committee that it could more intelligently consider the bill for amendment after the committee had heard everybody who had anything to say about it, and for that reason there has been no consideration of the bill at all.

Mr. SEABURY. Then, my understanding is that we will respond to the bill as suggested here, together with these proposed amendments; but I would ask that if the committee is in favor of passing the bill as amended, that we be accorded an opportunity to respond specifically to that bill as amended.

The CHAIRMAN. You gentlemen have seven days after this evening to submit a brief. We have given this time to you gentlemen, and it was the intention of the committee that after to-night all hearings would cease.

Mr. SEABURY. But the point I make is this: If the committee decides that the power exists and they are going to exercise it in a specific form, that we be heard on the form.

The CHAIRMAN. After the committee finally formulates the bill, then you think we ought to have another hearing?

Mr. SEABURY. Only as to the form and not as to the question of power. We find here a draft that is utterly unintelligible—

Mr. TOWNER. It seems to me that we should not be called upon for another hearing, but it should be understood that this is a part of the proceedings—of the hearings—which may be considered by anybody in their brief submitted after the hearing is over.

The CHAIRMAN. In your brief we would be glad to have any suggestions you see proper to make.

Mr. SEABURY. We request the committee to accord us an opportunity to be heard after that as to the question of form.

The CHAIRMAN. As I was saying, the committee has decided to close these hearings this evening. In the event that this matter is brought to the attention of the committee in your brief, the committee can act as they see proper. That is a matter for the committee to consider, and I assure you the committee will be glad to take it up and give it proper consideration.

Mr. RUCKER. As stated by Mr. Towner, the committee has not even considered this bill. Certainly it has not determined to report it or anything like it, or any bill. There have been some suggestions, and even direct statements made, to the effect that we are going to have censorship, and that is the common assumption. That has not been determined; but the committee will consider it carefully and do what we believe to be right.

Mr. CRAFTS. I want to introduce Miss Davis, who will have about 7 minutes.

The CHAIRMAN. You have 20 minutes left, and I will give Miss Davis 7 minutes.

### STATEMENT OF MISS KATE DAVIS.

Miss DAVIS. I represent the International People's Aid Association, and I am chairman of the recreation department of the National Council of Women. I should like to present to the honored members of this committee a resolution that was passed by the National Council of Women last week in session in this city:

Whereas there is a deplorable lack of standard in the moving-picture films; and Whereas some newspapers of this country are willing to give space for comment thereon: Therefore, be it

*Resolved*, That the National Council of Women hereby indorses any movement looking toward the betterment of the moving-picture situation; that it commend those brave newspapers which have dared to stand out for the proper censorship of films, even where their commercial interests were involved, and we hereby appeal to the press of the United States that its columns may be open to the general public on this most important subject.

Since you have heard the representative of the Hearst newspapers to-night denounce censorship you know why 20,000 women appeal for censorship.

*Be it further resolved*, That the National Council of Women urge the necessity of educational campaign work in all its subordinate bodies for a rigid censorship of motion-picture theaters.

For five years I have studied films and have worked for better conditions in motion-picture theaters, which has entailed considerable expense traveling about the country. I have paid every cent of that money myself. Nobody has paid one cent of it.

I want to say this of the people of Cleveland: Last summer, or before the last election, it was decided by the motion-picture exhibitors of Cleveland that an amendment should be made and that the Ohio law should be reversed. They carried on a campaign, saying everything possible in denunciation of the censorship. We who believed there should be a legal regulation of the moving-picture shows said nothing. We gave them every opportunity to gather the ideas of the people. At the end of that campaign they were unable to get enough signers of the petition to bring the amendment before the people. They had no opposition. They could not get the signers; so I say to you that the people of the United States feel that it is necessary that there should be a rigid censorship of motion pictures. In Chicago, where rigid censorship has been in operation for a number of years, the business is better perhaps than in any other city of the United States. I have gone over that city and raked it closely as with a fine-tooth comb, and I have never found an objectionable picture in Chicago. I have a letter from a motion-picture

man in Chicago who declares himself in favor of rigid censorship. A censorship will put money in the pockets of the better class of producers, and money in the pockets of the exhibitors.

I have worked among the picture men of the United States and have appealed to them to cooperate to bring about a compromise measure—something in the nature of Dr. Craft's bill as presented by him here to-night—and bodies of picture men have told me from all over the country that they would welcome a Federal censorship, making one standard for the United States.

I do thank you, gentlemen, for having heard me.

The CHAIRMAN. We will now hear from Canon Chase.

### STATEMENT OF CANON CHASE.

CANON CHASE. Mr. Chairman and gentlemen of the committee, I thank you for the courtesy that has been extended to all sides of this question and to the representatives of all the interests which have been presented here before the committee. We come here to-night, in a way, ending this discussion in a very amicable way. Before I say anything further I would like to call attention to a statement of one of the prominent representatives of the motion-picture people, Mr. Walter N. Seligsberg, on page 99 of the hearings in May, 1914, in which he said:

If censorship is constitutional anywhere in this country, which I stoutly deny, then we shall have to take the best we can get. We contend that Federal censorship is not constitutional.

Then again, on page 112, he said:

I will say to you frankly that if the courts do not sustain our view of censorship we may very well be compelled to come here and ask for national censorship, but I feel that the courts will sustain our view of the unconstitutionality of censorship, and this measure is the first measure of its kind that has ever been presented to Congress except a bill for local censorship here in the District of Columbia, which President Taft vetoed.

The courts have since that hearing decided that censorship is constitutional and not contrary to the freedom of the press.

As one side in this hearing says they favor not censorship but regulation, and the other side says they favor censorship, may I call your attention to the fact that both bills—the one just introduced and the original bill, except in one place, line 7 of page 2—do not use the word “censorship,” but speak of “license” all the way through. It is a licensing bill, and I trust both sides will feel that it is a regulating bill, and, to a certain extent, is a harmonizer of all interests involved.

Dr. Crafts and some of the representatives of the motion-picture business after consultation have agreed upon certain principles of the bill. We, who represent the Society for the Prevention of Crime, have not had an opportunity to consider it carefully as to certain of its features. Last night, after the hearing, this proposed bill was placed in our hands, and we have had but a day to consider it. I would like to make further suggestions for your consideration in addition to what has been said by Dr. Crafts.

My first suggestion refers to the news movies. It seems to me some provision should be made which will give a proper way of handling the news movies. The bill which has just been read to you suggests that certain corporations—producers—who for six months have

presented films, licensed, may get certain privileges which can be revoked whenever they violate those privileges. We suggest that the news movies may be given similar privileges—that they, without examination, may be allowed to come under the control of this commission and be called to account only when they have been found to have violated the law.

Another suggestion is that some method of court review be introduced into the bill. That court review might be by the United States court in Washington or by any district court in the district where the motion-picture film was produced. There might be a choice of these two courts. That is submitted for the consideration of the committee.

Another matter which it seems to us should be considered and added is this: The commissions should have the power to adopt rules necessary to carry into effect the provisions of this act. Undoubtedly, there will be a multitude of details that no one can foresee and there should be some power or authority given to the commission for such purpose.

MR. TOWNER. Canon Chase, would you see any objection to this commission being created as an independent commission and not as a branch of any department of the Government?

CANON CHASE. No, sir.

MR. TOWNER. Would it not be a distinct advantage? At least, it would take away any possible question of appeal to the courts, if it should be provided that an appeal was allowed.

CANON CHASE. I think it would have that advantage. I think it was put into the educational department with the feeling that motion pictures are a part of public education. That was the principal motive. I would like to speak on the point made by Rabbi Simon, when he claimed that if this bill were enacted it would give to the educational department a new function or power over the morals of the people, or give it power to dictate with reference to the morals. It seems to me that is rather an absurd position to take—that our schools are only to train the minds with reference to other features of life, and that the matter of conduct was not under the jurisdiction of our public schools.

I want to present to the committee the Rules and Standards by which Pennsylvania State board of censors does its work. I would also like to introduce The Policy and Standard of the National Board of Censorship of Motion Pictures for the benefit of the committee. It seems to me that an epoch of our national history has been reached when we have come to the conclusion that we have here a new issue in the protection of childhood from a new evil and that new duties are confronting us. The church is sometimes accused of looking only to the past, and the church is not understood as being the leader of the thought for the future, supplying inspirations for the years to come. Law always turns our attention backward, even more than the church, but the best law is that which provides for the future and which adapts itself to new conditions.

We have heard a splendid argument here to-night by one of the finest orators in the country, and we have been carried away by his eloquence; yet somehow we have felt that he was looking to the past only and did not provide any legal remedy for the evil which confronts the childhood of our Nation. He said we were powerless to

meet this new condition produced by a great invention and that new moral problems must be met by adhering to the rules of the past, and that we have no power to intervene with new machinery to take care of the new issues that confront us. We know how military necessity has curtailed the freedom of the press in Europe and censorship of the press has been found necessary for national preservation. Here is a new problem with reference to the amusements and moral training of the youth of our country. Peril to children threatens the life of our Nation. Congress must find a way to protect the children. We think that we are able as a people to meet the needs of the new day. I believe that the best people in the motion-picture business will respond to the necessities of this need. If it be desired, they and we will cooperate with you who represent the United States Government in such a way as to meet the necessities of the occasion and to prepare this wonderful country to maintain the standards of the past and to hand down to posterity the Government which we have received, not only undiminished in power, but with an increased efficiency and glory.

(The committee adjourned, to meet at the call of the chairman.)

## THE POLICY AND STANDARDS OF THE NATIONAL BOARD OF CENSORSHIP OF MOTION PICTURES.

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NATIONAL BOARD OF CENSORSHIP OF MOTION PICTURES, ESTABLISHED BY THE PEOPLE'S INSTITUTE, 70 FIFTH AVENUE, NEW YORK CITY, N. Y.

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THE STANDARDS OF THE NATIONAL BOARD OF CENSORSHIP OF MOTION PICTURES.

1. *Foreword.*—Film censorship is a practical matter. The censors must have some kind of policy. This policy, while allowing them to be positive, must at the same time permit them to be experimental. It is necessary for such criticism to be consistent if the producers are to learn anything from the censors or accommodate their plans to the judgment of the censors. It is equally important to have well-defined principles if the public is to realize that there are limits beyond which producers of motion pictures must not go.

Film censorship, however, can not be reduced to unchangeable rules. Even the principles often must be held tentatively until we know whether a given principle is really no more than a prejudice. Film censorship encounters all those problems which still are obscure at the present stage of our knowledge of social ethics, of the nature of emotional response, of suggestion, and of psychological reaction.

At least, the worker on the national board of censorship may feel that he is doing what has perhaps never been attempted before in the world's history. A tremendous business and a new art in its formative days is calling on this disinterested body to interpret between it and public opinion.

2. *The functions of motion-picture censorship and its evils.*—The function of motion-picture censorship is to pass upon motion pictures prior to their being released to the general public, permitting only the issuance of the morally unobjectionable ones. Police censorship, however, is one of the chief attributes of autocratic and paternalistic governments. There is involved here a fundamental principle which must not be considered lightly. It is the principle of liberty of speech and liberty of creation. The curtailment of this liberty is a matter of grave social danger. The moving-picture show represents expression of dramatic and of news events. In both of these censorship is a delicate matter, and unless practiced with broadmindedness and liberality is apt to do more harm than good. As soon as censorship passes beyond the realm of education and suggestive guidance and becomes a matter of coercion it is on dangerous ground. Society must, however, in some way regulate motion pictures without permitting the establishment of a despotic form of legal censorship. The national board of censorship is an effort in that direction. Though it is a voluntary, extra-legal body, having no legal power resident in itself, its verdicts have the effect of legal decisions through the cooperation of mayors, license bureaus, police departments, and boards of public welfare in the cities throughout the country where the official correspondents enforce the judgments of the national board.

3. *The relation between the national board and the trade interests.*—There is some misapprehension as to the relation of the national board to the trade interests. Accordingly a brief statement as to the history and organization of the board is essential.

The national board of censorship was organized in March, 1909, by the People's Institute, at the request of the theaters exhibiting motion pictures in New York City. At the request of the manufacturers of motion-picture films, the scope of the work became national in June, 1909. Since that date the board has gained an increasing control over the films exhibited in America, until it now views over 95 per cent of all films shown to the American public.

The board has since June, 1909, been administered by the People's Institute of New York, whose clerical machinery is utilized in part by the board. The board is self-governing in all particulars, establishes its own standards, elects its own officers and executive staff, and controls its own finances.

The personnel of the board may be found on the inside of the front cover. The general committee was called together by the People's Institute at the beginning of the board's existence and elects its own members.

This committee, the governing body of the board, is composed of representatives annually delegated by the organizations set beside their names and of members at large, who, though they do not officially represent organizations, are prominently identified with various welfare movements. The executive committee is elected by the general committee. The members of the censoring committee are formally elected to the board by the general committee for stated periods. These members are drawn from every group, such as professional people, social workers, and others interested in motion-picture problems. No member of the board is engaged in any branch of the motion-picture business and no member is salaried, directly or indirectly, for his services.

4. *The national board as a means of internal trade regulation.*—One reason for the existence of the national board is that it supplies a means of internal trade regulation. The audiences and the public hold all manufacturers responsible for the product of any one manufacturer. A single producer of obscene or demoralizing films will bring discredit upon all the exhibitors in a large city and will injure the business of every manufacturer who produces for the American market. As a result of this fact the motion picture has to rise or fall as a whole. The standing of every manufacturer is dependent to a certain extent upon the good intentions of every other manufacturer or importer.

This control can not be exerted save through the submission by all business parties to some outside disinterested agency; the national board of censorship is simply this agency, to which they and their competitors submit for moral censorship, in order that the whole film business may not be injured through the recklessness of one or a few members of that business. The community of interest among motion-picture manufacturers—even rival manufacturers—is thus a powerful aid to the board in making its verdicts effective.

5. *The national board as an agent of public opinion.*—The principal reason, however, for the existence of the national board is that it is the agent of public opinion in the moral regulation of photoplays. Public opinion is not represented by professional uplifters and reformers—the collection of moralists generally—but is represented by the thoughtful and intelligent attitude of the great mass of mankind which is not greatly afflicted with "isms" of any sort. The members of the national board accordingly give their thoughtful attention to the pictures and try to reflect what the people of the United States would think about any given picture were they sitting enmasse to view it.

6. *The procedure of the national board of censorship.*—The censoring committee, which views all pictures submitted to the board, is divided into a number of subdivisions, each one of which gives one morning or one afternoon a week to the work. A majority of those voting determines the action of the board on any picture. An appeal from the verdict of the censoring committee may be taken by any dissatisfied member of the committee, by the secretary, or by the owner of the film in question. The general committee has the power of final review. As soon as final action is taken, the owner of the film is notified in writing, and the notification is sent through the weekly bulletin to correspondents of the board.

In following up its verdicts to see that they are faithfully executed, the board uses a number of methods.

1. The board carries on local inspection in the New York theaters. As it is usual for the board's recommendations to be carried out in the original negative

from which all copies are made, a change which appears in a film seen in New York likewise appears in all other copies.

2. The motion-picture trade papers contain very complete advance information about all films designed for regular releases. Films are sold through advertisements printed in these papers. In addition, special or so-called State's rights films are usually sold through such advertisements. In this way the board is able to check up the films inspected and to detect films which may not have been submitted to it for inspection.

3. The board cooperates with local committees. The numerous correspondents of the board, who receive its weekly bulletin, are expected to inspect films shown in their city and at least to make a special search in order to ascertain whether any condemned film is shown and whether all changes recommended by the board are carried out in the films shipped to their locality.

4. The national board also receives regular reports from several social organizations, boards of public welfare, and police departments, who make it their business to inspect films listed as bearing eliminations on the weekly bulletin issued by the board. These organizations report to the national board whether the changes requested in pictures have been faithfully carried out. When unfavorable reports are received, the matter is at once taken up with the manufacturer and an adjustment effected.

If the board learns that any manufacturer has made a film public without submitting it to the board, or that he has failed to carry out the requests of the board regarding alterations, this fact, unless promptly rectified, results in a complete severance of relations between the owner of this film and the board. In other words, the board reviews in advance either all a manufacturer's product or none of it, and continues this advance inspection only so long as the manufacturer uniformly carries out the board's recommendations. Of course, even where films are not reviewed in advance, the board makes every effort to see them after they begin to be publicly exhibited, and notifies its correspondents if it detects anything objectionable.

If an objectionable film is made public the board promptly notifies the film exchanges which might purchase this picture and the civic bodies and police agents whose duty it is to suppress it. This necessity does not arise frequently, and in every case such action by the board has resulted in a return of large quantities of film to the manufacturer and in a serious loss of money to him. Instances of this kind are increasingly rare.

7. *Consultations between the national board and specialists in social problems.*—In order to obtain as representative an opinion as possible, it has been the policy of the national board on special occasions to call to its assistance the advice of men and women who are specialists in social problems. In this way, the board has had the benefit of the judgment of representatives of as many as a dozen social agencies of national repute in passing on films which presented unusual problems and called for the formation of new policies. The national board has been fortunate in obtaining the cooperation of many institutions leading in public thought when pictures offering peculiar problems have been presented to it. It was after such conferences that the national board formulated its policy on the white slave and drug films set forth in sections elsewhere stated in these standards.

8. *What the national board can not do.*—It is necessary to preface a statement of what the board does by what it does not do and can not do.

(1) The board can not censor for any particular audience. It can not require that the films approved by adults shall be shown only to adults. It can not select the programs which are to be shown to children. Trade conditions are such that at present every film goes to the whole American audience, men and women, young and old.

It can and does urge the establishment of children's theaters and the presentation of special children's programs.

(2) The board does not enforce on motion pictures simply its own views of what is desirable or right. The board tries to eliminate its own personal equation completely. It tries to judge as to the real effect of each film on the composite audience which will witness it.

(3) The board does not regard itself as a censor of taste, unless it is clear that the question of taste is an essentially moral question.

(4) The board does not regard itself as a censor of accuracy, unless the accuracy in question is of a libellous kind, or will result in some concrete disaster to the person whom the inaccuracy misleads.

(5) The board does not censor motion pictures from the standpoint of protecting the exhibitor or manufacturer from the consequences of producing a film which may alienate some powerful element in the community.

(6) The board can not judge films exclusively from the standpoint of children or delicate women or the emotionally morbid or neurasthenic or of any one class of audience. But the board does take into consideration, as one of the controlling motives governing it, the fact that possibly 15 per cent of a total motion-picture audience is made up of children under 16. It also recognizes that adolescents who attend picture shows are peculiarly open to suggestion.

(7) The board is not responsible for posters, handbills, or other advertising which may be given out concerning motion pictures. These are often sensational, sometimes misleading, and need to be controlled by local authorities all over the country; but it is impossible for the national board to be responsible for them.

(8) The board does not, in judging films, allow itself to be influenced by the moral character of persons who may be concerned in the production or acting of the film. But the board does retain the right to forbid the exploitation of unworthy reputations, such as morbid presentation of persons who may have been associated with famous criminal cases.

9. *The difficulty of maintaining absolute consistency.*—It is obvious that no matter how carefully a set of standards be drawn up, and how conscientious the censors be in interpreting public opinion, absolute consistency will not be attained, for the personal equation will always creep into the decisions. Different temperaments will react differently, and it is futile to seek a machine-like unanimity of opinion, even though all be agreed on general principles and standards.

The principle the censors should bear in mind is that in case of reasonable doubt they should give the picture the benefit of the doubt. Unless a picture be questionable, it should be passed rather than have the national board restrict freedom of expression. Sometimes eliminations, additions, or changes of subtitles will improve it.

Certain methods are employed, however, to keep the judgment of the different committees as nearly uniform as may be. For example:

1. Discussions are often held among the members of the censoring committee on the standards of judgment for particular pictures and classes of subjects as defined by previous decisions of the board.

2. The members of the censoring committees are often invited to meetings of the general committee when pictures dealing with new or involved questions are discussed.

3. All members have been provided with these standards, with which they are expected to be absolutely familiar.

Though unanimity of opinion is not attained, it is believed that the final action on pictures is consistent with the standards of the board. The board, however, frankly acknowledges that in reviewing nearly 200,000 feet of film a week it must inevitably commit some errors in judgment.

4. Three secretaries spend their entire time at the various committee meetings. They see the pictures and hear all discussions and are consulted when a picture is being discussed. This makes for consistent action.

10. *The difficulty of censoring for all the people.*—The fact that the same picture goes to all audiences gives rise to some of the greatest problems of the national board. These audiences are composed of a conglomeration of people, ranging from 3 to 80 years of age, and representing social traditions and educational influences, some modern and some antiquated, some native and some foreign. Because of the present organization of the motion-picture business, however, the board has to pass moral judgment upon pictures destined for just such a diversified public.

11. *Motion pictures, children, and censorship.*—In censoring pictures the national board bears in mind the whole motion-picture audience, and not simply the children, the morbid, or the neurasthenic. It is sometimes alleged by certain people that a board of censorship should see to it that all pictures are made suitable for children to see. While it is true that possibly 15 per cent of the patrons of motion pictures are children under 16 years of age, still it would be a calamity to reduce all pictures to the plane of the intelligence of the child. This is not the policy of the national board. The motion picture is a new art and requires freedom from artificially hampering restrictions to achieve its possibilities. Many themes are suitable for adults and are a legitimate field for the motion-picture art which are not entirely adapted for children.

As a rule, such subjects are usually incomprehensible to the child, and hence have no particular effect upon him. The solution of proper pictures for children, probably will be found in having separate theaters for children and then in presenting carefully selected children's programs.

*12. Censorship and the adolescent.*—The national board believes that it can not take the same position in criticizing pictures for the adolescent as for the child in the ages up to the teens. While it is true that in the adolescent from 12 to 17 the imagination acts quickly on the senses, still it is also true that the mind of the boy or girl generally preserves, in at least recognizable forms, the ideals of youth, which act in varying degrees as a check against evil thoughts and evil doing.

By keeping obscenity and unnecessary suggestion out of motion pictures the national board believes that the harm that the motion picture can do to the boy or girl in this susceptible period is minimized or done away with. The board is confident that the average boy or girl in the motion-picture house can distinguish in the main good from evil when these appear on the screen, and if youth is to learn to look rightly upon the questionable matters of life it should have the opportunity of distinguishing for itself what is questionable and what is not.

It is essential in all pictures in which questionable scenes occur that the main argument and effect of the picture shall be for good. To this end the censor should see to it that the evil characters in the picture come to harm as a direct result of their evil doings and that the net effect of the picture be convincingly in favor of good.

The national board recognizes the vast increase of knowledge in the study of adolescence during the last few years. It is, therefore, seeking the judgment of those in the United States most skilled in adolescent psychology for a definition of the influence of the motion picture on members of this period of storm and stress.

*13. Standards are progressive, not fixed.*—The national board has established standards, but it insists that these are progressive and not fixed. Change and progress will certainly occur constantly as the board learns from experience more of what the reaction of the public is on various films. Nothing that is stated in this paper should be construed as being the final word of the national board concerning censorship.

*14. The censorship of the national board is constructive.*—Experience has taught that the best possibility of the work of censorship can be attained only when combined with a constructive policy. Censorship in itself alone is essentially destructive and coercive. The board has often regarded the use of this word as unfortunate. For this reason the national board uses its influence with manufacturers and importers of films to produce only such films as in some way have real social value. By offering suggestions to the manufacturers the national board has been able to inspire a steady improvement in the character of the films produced. The manufacturers welcome this help from an impartial board of independent people. This work naturally progresses slowly, but it represents substantial and effective education at the point of production. In addition to making these comments and suggestions to the manufacturers, the national board tries to follow a constructive policy by bearing in mind the purpose of the producer and the integrity of the art creation. Frequently the national board, in making eliminations, adds something of material value to the art of the picture. The board expects the members of the committees to have well-considered reasons for requesting each proposed elimination.

*15. The relation of motion-picture censorship to newspapers, books, and plays.*—The board attempts to keep motion pictures attuned to public opinion and not necessarily in harmony with productions of the stage or newspaper. The fact that the appeal of the motion picture is more vivid than that of print materially alters the question of how much should be shown to the public. For instance, a printed description of a burglary or other crime, suffering, gruesomeness, and evil doing generally has not the same effect upon people as when they see the thing actually done before their very eyes. This is why newspapers use illustrations to make more vivid what they are attempting to describe.

Though located in New York as being the headquarters of the motion-picture industry, the national board does not accept as a basis of criticism the standards of the metropolitan stage or of its highly colored life. It constantly seeks the point of view of the typical American and invites correspondence and suggestions from people in all parts of the country.

16. *Truth of representation is not a sufficient criterion by which to judge pictures.*—Some people have said that any picture which is truthful, which depicts any aspect of life as it really is, should be passed; that only those pictures which do not ring true to life should be condemned. This is a fallacy. There are phases of life in various parts of the world which would be entirely misunderstood by American audiences. Moreover, complete knowledge probably would hurt no one, but the difficulty lies in this, that complete truth or knowledge is not given in a picture; we get only a partial vision of truth. Vice and crime often apparently triumph and lead most enjoyable existences, but it is impossible to define their influences upon any one life or to illustrate their ultimate consequences in the picture. The ramifications of evil are limitless. Consequently, it is impracticable to accept in film criticism the statement that if a picture be a true representation of life, it is harmless and should be passed.

17. *The problem of censoring farces, burlesques, and satires which deal with questions of morality.*—The national board has repeatedly stated that subjects which are immoral, indecent, or innately criminal can not be allowed on the excuse that their treatment is unusual and therefore disarming. This applies particularly to farces and burlesques. There are certain types of subjects which become at once objectionable if treated in any but a serious manner. Many themes are made immoral when their true importance in the relations of society is ridiculed and shewn in a farcical and burlesquing light. Marital infidelity, degeneracy, and sexual irregularities are notable examples. In the drama of life these themes are generally ones of tragedy, the causes or results of social forces that mankind has always struggled against, and to make of them low comedy is not only to progress in the direction of bad taste but also to vulgarize the presentation of life itself. The board will, therefore, act accordingly when such treatment is given these themes. So, likewise, satire should not be permitted to offend the moral sense in its attacks on existing customs, beliefs, and manners. The national board realizes, however, that satire has always been one of the chief forces in tearing away the conceits and hypocrisies of society in order that society may grow, and as such must be regarded as a legitimate and desirable form of expression in the new art of the motion-picture drama.

18. *The purpose of the producer versus the effect achieved.*—The board is concerned with the effect achieved in a picture, the impression on the audience, rather than with the purpose which actuated the producer.

The producer's purpose obviously will not always produce the desired effect, because of lack of skill or misunderstanding by the actors, and because the motion-picture patron will always interpret and understand a picture in terms of his own experience and knowledge. He will not be a philosopher and analyze and rationalize the picture in terms of abstract principle with a view to determining the producer's purpose.

Nevertheless, it will be well for the censors always to bear in mind what the producer intends. If, by subtitles or other means, he has clearly indicated his purpose at the outset, the probability of his achieving the desired effect is greatly enhanced, as the audience is put into just the frame of mind that will most readily react as the producer requires. On the other hand, the producer can not attain his purpose by merely stating it in the beginning if the picture itself belies his statement.

19. *Extraneous incidents and their moral effect.*—Frequently it is of assistance in censoring pictures to consider whether a given incident is produced with the purpose of developing the characters of the drama or simply as extraneous matter to amuse the audience. If the incident is essential to the plot of the story and the development of the characters of the play, it is often permissible to show scenes which in themselves are open to slight criticism but which have sufficient value in the play to make it obligatory upon the board to pass them to avoid arbitrarily and irrationally limiting the possibilities of photoplay development. If, however, a questionable scene seems to be produced simply to amuse or thrill an audience, it must be unobjectionable from the censorship point of view. Otherwise it has no legitimate excuse for being and will be eliminated. Cases like this call for a nice use of judgment and frequently opinions will differ.

20. *Pictures must be judged as a whole.*—Pictures have to be judged as a whole, with a view to the final total effect they will have upon the audiences, and the censor should remember that pictures should not be condemned because of some little incident in them. An incident which is objectionable per se is used sometimes in such a manner in the picture that it becomes merely tributary to

the principal idea, which may be good. The board does not approve of a picture which lauds an evil deed as a commendable incident in bringing about a good one. On the other hand, it occasionally passes pictures where an evil incident is instrumental in bringing about a good, provided such evil incident is not held up as being excusable or commendable. This means that the incident must be purely incidental and not one of the features of the story to be remembered, to excite, or to be emulated.

21. *How far the national board is responsible for truth in the pictures.*—The national board holds itself in no wise responsible for the truth or falsity of the pictures are the incidents in them. This statement, however, should be modified somewhat. The board has ruled that it will not pass pictures which would tend to influence public opinion on questions of fact in any matter that is before the courts for adjudication. The real ground for condemning the pictures of this type is, of course, not that they are true or false, but rather that they would tend to distort the process of law. In general, however, the board totally disregards the truth or falsity of pictures.

22. *Sectional, national, and class prejudices and the censorship.*—Many of the criticisms of motion pictures and their censorship have their foundation in local prejudice. Practically uniform though the people of the United States are in most of their ideas—political, social, and moral—there are yet certain striking differences, and these differences naturally are much in evidence in the comments on motion pictures. It is clear that when the treatment of a race is unduly libelous the question of censorship is raised. Now all these prejudices and different points of view make it expedient to pass upon pictures in a purely rational manner, according to certain principles theoretically conceived. Through the force of circumstances the board is compelled to steer a middle course in an effort to adhere as closely as possible to the rationally conceived principles for which it stands and yet pay sufficient regard to popular prejudice. By so interpreting its duty between the new art and public opinion, it hopes to cause public opinion to be impressed upon the film art while at the same time the film art is interpreted in such a manner as to change public opinion.

The censor who comes to the board, however, with certain preconceived prejudice, certain points of view, because of his environment and previous experience, should constantly be on his guard against allowing such personal, sectional, class, or professional prejudices unduly to influence his censorship decisions.

23. *The exploitation of notorious characters.*—The board does not in judging films allow itself to be influenced by the moral character of persons who may be concerned in the production or acting in the films. But the board does retain the right to forbid the exploitation of unworthy reputations, such as the morbid representation of persons who may have been associated with famous criminal cases. If the picture is merely a news picture without dramatic plot, however, it should be passed even though the person exploited has gained an evil notoriety. Occasionally a "fake" news picture or dramatic picture founded upon a current event is made. In judging the merits of such a picture it is well to consider that its effect upon the public will be different from what would be the case were the same drama entirely divorced from the event upon which it may be founded. This is because it comes at a time when the public mind is in a condition where certain deeds, characters, or experiences have an unusual significance. Such a picture will often cast a glamor around the person or persons involved. Thereby it becomes objectionable in setting up for emulation a person of unworthy character. In no case would the national board pass a picture which glorified the evildoer or otherwise affected public opinion on a matter before the courts for adjudication.

From experience the board holds that it must take into consideration also the methods used in advertising and exploiting the characters of this type of photoplay.

24. *Insanity in motion pictures.*—Occasionally a photodrama requires the presentation of an insane character. The danger in productions of this type is that the portrayal will be unduly morbid or gruesome. Consequently the national board has dealt severely with those films which picture maniacs, on the ground that they unduly harass the emotions or the normal person and seldom serve a real dramatic purpose. The introduction of such characters is usually for the purpose of picturing a sensational and harrowing scene. The board has to distinguish between the dramatic purpose and the morbid, harrowing, or gruesome. The insane character who is not a maniac is less liable to be eliminated from a picture, though if the presentation of such character be

unduly unwholesome or unpleasant, it is challenged by the national board. The tendency of the board is distinctly against this type of picture, unless some serious purpose is served and the harrowing and objectionable elements are reduced to a minimum.

**25. Motion-picture presentation of the use and effects of habit-forming drugs and narcotics.**—The board recognizes the need of popular education as to the extent and dangerous effects of habit-forming drugs and believes that motion pictures may be a medium for this purpose.

The board is opposed in the presentation of this subject to the portrayal of the alluring, the gruesome, and suggestive. It will allow only those scenes of the original progress and accompaniments which are dramatically necessary to point the moral. It also opposes those methods of using such drugs as would stimulate curiosity and experimentation. It will critically scan any suggestion of easy methods of obtaining such drugs.

It will support those subjects presented in a dignified, sincere, and dramatic way which will enlighten and arouse the public to the enactment and enforcement of laws tending to the repression or prevention of illegal or immoral use or sale.

**26. Consideration and comparison of custom, taste, and morals.**—One of the things which occasionally causes the national board to be considered inconsistent is that there are many deeds depicted in motion pictures which are sometimes a matter of custom, sometimes of taste, and sometimes of morals. Often they are one thing in one section of the country and something different in another. When they appear, in the particular picture under discussion, to belong in the categories of custom or taste to such an extent that they are entirely divorced from morals, they are, of course, passed by the national board. If they raise a question of morals, they have to be considered as a matter of morals, not of custom or taste; and the action taken may be exactly opposite from the action of the board on precisely the same deed in another picture where no question of morals entered. In all these instances, however, the board tries to be consistent with its basic principles, even though the action taken seems most inconsistent to the unthinking. The field of operation of the board is that of morals and not of custom or taste.

**27. Sacrilege and allied subjects.**—Probably no normal person will question the decision of the national board to repress sacrilege, even though it is perhaps as much a question of bad taste as bad morals. Deep seated in all men is the feeling of reverence for certain things or forces accounted sacred by them. Now, anything that is so vital as this is a legitimate subject for motion pictures, but because of its very nature, it requires unusually careful treatment. Farce, burlesque, possibly melodrama, indeed all treatment of such subjects which is actuated by levity or any other than a serious purpose, is altogether out of place in this connection, and is consistently discouraged by the national board.

It is a much more difficult thing to determine just what is sacrilege. The general principle followed by the board is that those things which shock the religious sensibilities of large and representative portions of the population should be forbidden, especially if the sacrilege be intentional. This does not mean the elimination of all the minor things which run counter to the religious prejudices of a portion of the people, but only those things which actually tend to weaken the religious spirit or profane sacred things or bring them into contempt or disrepute. It is not in itself sufficient ground for condemning an incident that it is not true; to condemn it, it must be shown that it will have an injurious effect upon the audience.

**28. Barrooms, drinking, and drunkenness.**—One of the perplexing problems in censorship is what to do with the barroom scenes, drinking, and drunkenness in motion pictures. They have a legitimate place in the motion-picture drama, but the objection lies in the proportion they bear to all other scenes. Obviously this can not be remedied rationally by enforcing censorship restrictions against some of them, though it can be influenced no doubt by helpful suggestions given in a cooperative spirit. This is done from time to time by the board. The proportion of these scenes should be regulated in the final analysis by what the public shows it likes or dislikes. Certain types of drama require such scenes to give them realism and local color, and to these in moderation the national board can rationally take no exception. Such scenes must be used with discretion and made of significance in the drama. Scenes of this type are discouraged by the national board, and, if it need be, condemned.

Occasionally producers essay to use drunkenness as a source of amusement, especially as farce or burlesque. The board will condemn this if it affords

occasion for nastiness or indecency. If, however, the farce and ridiculousness of the situation so far outshadows the intoxication that the latter is overlooked, pictures are sometimes passed even though intoxication is the basis of the amusement. Few producers and actors can handle the subject inoffensively, and the tendency of the board is more and more to eliminate such scenes, frequently condemning entire pictures of this type.

**29. Vulgarity in pictures.**—The board makes a constructive report to the producers each week on all films, and these comments, of course, give the attitude of the board on questions of vulgarity in specific pictures. These reports, together with the occasional bulletins issued by the board to the producers, are gradually correcting this offense against good sense and decency. Vulgarity is not wit. Vulgarity which is divorced from immorality is not a legitimate subject for censorship other than that of the slow working of public opinion; and unless the vulgarity borders on immorality or indecency, the national board feels compelled to ignore it. The same is true of inanity also.

**30. Prolonged passionate love scenes.**—One of the reforms established by the national board has been the curtailment of those prolonged love scenes which are ardent beyond the strict requirements of the dramatic situation. The board recognizes the difference between expressions of affection and sensuality and would discuss the motives for the introduction of scenes of this latter type. If these experiences are wholesome, truthful, and artistic there is no objection to their being shown, provided the net effect is not salacious. The national board believes it is one of the purposes of censorship to keep out of the mire the great experiences of humanity so that they may not be cheapened to the extent of their losing their significance.

**31. Costuming—Tights and insufficient clothing.**—Questions of immorality and indecency arise in connection with nudes and unusual costuming, because of the accompanying action, together with the associated ideas aroused in the minds of the spectators. Savages in their native dress and surroundings and pursuing their normal functions would be suggestive to nobody, but would be suggestive if these conditions were not true or if the savages were performing some suggestive dance. It is impossible to pass pictures of women almost wholly dressed but yet displaying a lavish amount of lingerie. The same thing is true of women's dress where it is too much décolleté. In both these cases convention is disregarded, and through the habit of association becomes unavoidably suggestive of indecency or immorality, as is illustrated by wearing a bathing costume away from a bathing beach.

To the adolescent youth and adult of arrested development the mere fact that the costuming of a woman displays portions of her body usually concealed awakens the imagination and becomes suggestive of immorality and indecency. Especially is this true of the surroundings in which the scantily dressed characters are placed are unusually suggestive. The producers sometimes assume that true art calls for the particular costume chosen, but if the board thinks that the art is put in to carry the immorality over, or that the immorality is more effective than the art, it considers that it is its duty to condemn the picture.

**32. Infidelity and sex-problem plays.**—The national board has never denied that these are legitimate subjects for the motion picture, but has insisted that they be treated with seriousness and artistic reserve. In criticizing this type of photoplay the board will insist that the recognized standards of sex morality be upheld.

**33. Women smoking and drinking.**—There are certain acts which are sometimes a question of custom, sometimes of taste, and sometimes of morals. One example of this is the question of women's smoking and drinking. To the women of certain nationalities and places it is a matter of custom altogether, and the pictures would be untrue without it; to women of other places it is a matter of taste, that is, it is no longer a question of morals with them and yet is not crystallized into custom; and to the women of yet other places it is esteemed a matter of morals. In judging such scenes the national board bases its action on the above theory.

**34. Underworld scenes: Opium joints, gambling, dance halls, objectionable dancing, vulgar flirtations, questionable resorts.**—The national board requires that when scenes of the general type listed above are produced it be in such a manner that no spectator is stimulated to put them in practice.

For this reason permanent profit or enjoyment should not be shown as accompanying characters in these scenes; rather their true characters as being innately low, vulgar, and indecent should be brought out, together with the

inevitable results to which they lead. Their sordid nature must be kept in the minds of the spectators, and the scenes themselves must have dramatic usefulness in the play and not be introduced as so much padding or vaudeville entertainment. The public does not approve of debauches, and the board will not tolerate a vicarious participation in them. The board requires that when the portrayal of scenes of this type is necessary to the development of a legitimate story it be truthful and complete so that no false notion of glamor, gaiety, or romantic adventure lead anyone to misapprehend the true character of such scenes, but rather show the essential sordidness, shallowness, discontent, and commercialism on which these scenes and the character in them rest. If produced with a proper purpose, these scenes are usually moral in effect, but if produced merely for entertainment they are usually immoral and should be eliminated. There is danger of the number of such scenes being multiplied until the net impression of the drama is bad and the picture will be condemned.

As a rule it is preferable to have such scenes short, both for the sake of morality and because the art is often greatest when unessential detail is suppressed to bring out the main impression. In gambling scenes, for instance, what is sought is the atmosphere of the place, development of the characters, and certain salient facts, such as who is the winner, while elaborate or instructive details of the gambling method used will be eliminated.

In dance-hall scenes where various kinds of dancing are taking place it is well to make the scene sketchy and avoid suggestively instructive details. To prolong such scenes beyond the needs of clear exposition is to invite elimination. The board is consistently opposed to those dances where the positions of the dancers, their movements, etc., are evidently sensuous.

In questionable resort scenes the purpose of the producer and the effect attained must guide the censor. If it is essential to the story and the story itself be permissible, it would seem that such scenes should be permitted, but they must be handled with the very greatest of care and only enough shown to make the exposition of the story clear and give the proper atmosphere. Without these scenes a comprehensive study of character development, which is one of the legitimate functions of the motion picture, would be impossible in some of the more portentous plays. This matter, however, is so difficult to handle that it most often results in failure and consequently has to be eliminated. In principle, however, such scenes under certain conditions are permissible, but it is a subject that the board cautions all producers against attempting. Of course such scenes have to be made intellectually suggestive without being made physically stimulating and suggestive. The board requires that when these scenes are produced they be made unintelligible to children and innocuous to adolescents.

**35. The action of the general committee of the national board of censorship on films dealing with the social evil.**—The members of the board recognize that moving-picture houses and the vaudeville theaters are primarily places of amusement and not of serious discussion and education. They agree that the only justification for the portrayal of the social evil by motion pictures is that they shall be educational. They further appreciate that the motion picture, by reason of the lack of dialogue and the necessity of emphasis on the dramatic, is a difficult medium for this form of education.

They agree, moreover, that education in the normal and abnormal facts of sex is fraught with danger and must be handled with tact and delicacy and given under the right surroundings to be effective.

These considerations have led them to agree as follows:

The board will critically examine all films presenting various forms of sex lapses, for those effects on audiences which arouse rather than minimize passion, which tend to perpetuate the double standard of morality, which reveal easy ways of gratifying desire and of making money in the "trade" or which simply indicate the weakness of humanity or recite the dreary detail of the lives of those unfortunate members of society called "prostitutes."

Since those who have worked most widely and skillfully on this problem have come to the conclusion that the most fruitful line of procedure is in the region of prevention, the board will give its support to those subjects and films which present facts in a sincere, dramatic way leading to repression or to the removal of causes of commercial or subrosa prostitution.

There is a place on the screen of the motion-picture theater for presentations which unquestionably indicate the causes, the dangers, and the effects of sexual misconduct. Those subjects dealing with the social evil will therefore be supported by the national board of censorship which arouse fear in the minds of

both sexes, which develop a hatred on the part of the audience of this ancient evil, which stimulate efforts to rescue the prostitute, and which indicate sensible and workable methods of repression or suppression.

The board further states that in every instance the psychological and moral effects of the motion picture on the audience must be studied. It is difficult to indicate in advance what these will be, since so much depends on the personality, sincerity, and actions both of the players and the producers.

**36. Deeds of violence.**—In the absence of dialogue, the motion-picture drama necessarily emphasizes action and movement, including deeds of violence. The spirit of struggle at the present stage of human development is a phase of growth, both spiritual and physical, necessary to continue and advance the race, and it would be unwise to deprecate this spirit which is so native and essential to man. While representative individuals may view with aversion the actual encounter of two men in a life and death struggle, yet the board feels that violence per se has no inherent force for evil, and that if the struggle is fair and does not degenerate into excessive brutality and wanton cruelty, or show shocking detail, it should not be condemned. Nor has the board felt that it could insist that the struggle be robbed of elements of treachery and trickery, nor dictate who shall win, nor what the weapons shall be, nor even who the principals shall be—though it will not tolerate the rough handling of women and children except where the life depicted is undoubtedly pioneer.

**37. The senseless use of weapons.**—Nothing in motion pictures appears more foolish than the constant picturing of weapons such as guns, revolvers, knives, clubs, etc. Unless the action depicted, in addition to being senseless, is also immoral or criminal, the board holds that the matter should not be handled through censorship, but rather through the gradual protest of public opinion. When, however, "frontier justice" brings about results contrary to those which would be secured through the regular agents of the law, the national board finds that almost always it must eliminate the action. Under normal conditions, it will not pass pictures which show the successful balking of the law. Some latitude should be shown perhaps to pictures of the "wild and woolly" variety where next to impossible deeds are pictured. The conditions are such that the motion-picture patron would find it impossible to duplicate them, and the whole action takes place in an atmosphere of rough romance. In pictures portraying new and disorganized communities, it sometimes happens that the logical effect (that it is at times laudable to contravene the law) is lost, and the total effect of a picture—namely, that the forces of good triumph over the forces of evil—warrants the board in passing it.

**38. Treatment of officers of the law and respect for the law.**—The national board urges that respect be shown for the law in action and in thought. Pictures involving the law and officers of the law require careful handling. There is a certain value in showing the miscarriage of justice, but this needs to be handled with discretion, and the work should be approached in a spirit of greater seriousness than simply that of amusement or entertainment. At the present rapid rate at which films are produced, this is a difficult thing to accomplish and the board warns producers against attempting it. If, however, a real moral lesson is taught by the play, the board feels that it should pass it.

**39. Advisability of punishment following crime.**—One of the things which should be avoided is the throwing of an atmosphere of romantic adventure around a criminal, especially if the time and place pictured suggest to the impressionable young people who see the picture the possibility of reproducing the same or similar action.

It is well to show that evil doing brings its own reward, and it is usually desirable to have the catastrophe follow necessarily, logically and in a convincing manner and not merely have the catastrophe accidental or providential. Of course, if the action is convincing, it is permissible to have retribution as an act of Divine Will or Providence, but it frequently happens that the production is so crude that the Avenging Providence loses all its significance. Truth and sincerity are a sine qua non in such cases. As a general rule, it is preferable to have retribution come through the hands of the authorized officers of the law, rather than through revenge, or other unlawful or extra-legal means. The taking of the law into one's own hands is a vicious suggestion. Unwritten law and frontier justice can only be frowned on by the law-respecting and dramatically capable actor and producer, and the national board is opposed to such presentation, except as stated in section 37.

**40. The board's attitude toward crime.**—The national board has no objection to some specific crimes, for it realizes that it should not attempt to eliminate the portrayal of all evil from motion pictures. Serious drama, as distinguished from comedy, farce, and burlesque almost always depicts a struggle between the forces of good on the one hand and the forces of evil on the other, and to eliminate either one of these elements would be very largely to eliminate the drama itself. Usually the forces of evil are represented by a villain who commits crime and seeks his ends through violence. Accordingly the question for the national board is not whether it will permit the committal of crime in pictures, but rather what are the motives and results of the crimes, and the manner in which they are performed. The board objects to the display of crime being suggestive, instructive, and gruesome, and it insists upon a sane balancing of the picture as a whole so that the final effect of the picture will be good or, at worst, harmless. The portrayal of crime should not degenerate into pandering to a morbid appetite, but should seek ends which are legitimate for the drama. The extended exposition of crimes which involve tricks, skill, or unusual ingenuity is not permitted.

**41. The motives and the results of crime as shown in motion pictures.**—Every film presents special problems, but there are certain truths concerning all, and in the case of films depicting crime two of the principal points to be borne in mind by the censor are the motives and the results of the crime or crimes depicted. An adequate motive for committing a crime is always necessary to warrant picturing it. The board will insist on punishment of the criminal when his crime might be considered by the young and impressionable spectator as an excusable act. In other cases it is desirable that the criminal be punished in some way, but the board does not always insist upon this. Careful discrimination must be made between the merits of the motive and the suggestions lurking in it as an excuse for the crime, for under no conditions will the board pass a picture where apparent approval is given of any cause for crime. The results of the crime should be in the long run disastrous to the criminal, so that the impression carried is that crime will inevitably find one out, soon or late, and bring on a catastrophe which causes the temporary gain from the crime to sink into insignificance. The result should spring logically and convincingly from the crime, and the results should take a reasonable proportion of the film. The motives, incidents, and results are always considered in censoring these pictures.

**42. Crimes of violence against property and persons.**—Crimes of violence may be roughly divided into crimes against property and those against persons. Possibly theft, fraud, forgery, burglary, and robbery may be considered under the first head by a slight stretching of the use of the term. In these cases the point to be guarded against is that no suggestively instructive and ingenious method be exploited, such as ways in which safes can be opened, checks raised, signatures forged, etc. These matters can be adequately presented by suggestion or by such distant views that it is impossible to know just what is being done. This is often accomplished, also, by having the scene take place in the dark, or with the operation obstructed from the view of the audience by the person of one of the actors.

Especially dangerous is the presentation of any attempt at train wrecking, and this is one of the crimes which is always eliminated by the national board. This includes tampering with railroad apparatus.

**Arson.**—Arson is a difficult crime to present in photoplays in such a manner that the suggestion be not a menace to the public; all details of this crime eliminated by the board as being suggestive and instructive. In general, the board will rule against films in which a clearly defined pyromaniac is shown at work. Excessive preparations and the actual application of the torch are not permitted in films depicting arson taking place in present-day modern surroundings. Exceptions are sometimes made in pictures dealing with disorganized communities. The board has constantly ruled against arsons which are used to cover up crime or in which human beings are burned. The national board never permits picturing arson as a laudable deed under any circumstances, nor rarely as an act of vengeance. The tendency of the board is to eliminate it entirely, producers being constantly warned against its employment.

**Violence.**—Crimes of violence against persons present practically the same problems, but, in addition, the question of gruesomeness enters and makes

the work of censoring somewhat more difficult. Especially will the board condemn a picture in which the violence is that of a maniac; and, indeed, it will condemn any film in which a maniac is a leading character and his adventures furnish the essentials of the drama. The motion picture visualizes violence for us and presents problems which the newspaper does not have to encounter. Therefore the national board feels warranted in suppressing details that the press is at liberty to employ. For example, the printed word may describe an assault and murder to us with considerable thoroughness without being unduly gruesome, whereas if the same thing were done in the motion picture, it would excite horror and disgust and unnerve the sensitive. The actual deeds of violence need to be treated with the greatest discretion in motion pictures, and the producer should remember that he is not writing a detailed exposition of a crime, but is telling a dramatic story, which most often does not need such detail, but merely enough to make clear what has happened. Thus in torture scenes it is sufficient to show that torture is going to be or has been inflicted, and it is unnecessary and objectionable to show just what the torture machine is doing or the bodies of the victims writhing in agony.

*Suicide.*—The crime of suicide is one that is so suggestive to certain people that it needs most careful treatment by the producer, who would do well to avoid it altogether. The deed is so irreparable that even the slightest thing which can be construed as a justification of it and an incentive to it must be avoided. The board may, however, consistently pass dramatic suicides—that is, suicides which are virtually necessary to the logical development of the drama, and not a means of getting rid of a character. The producer, however, who employs suicide as being the easiest method for him to get rid of a character to preserve the continuity of his drama should seek other means and use greater ingenuity to solve his problem, as such suicides are condemned. Even in case a character probably deserves some sort of self-punishment, the board feels that the crime of self-destruction is such a terrible one and so full of suggestions that the introduction of it into motion pictures could be justified only in extreme cases as in a classic, a romance of another age, historic drama, or where, being unsuggestive, it is more or less of an incident to another theme. The whole tendency of the board is to eliminate suicides.

*Murder.*—The question of murder, including assassinations, executions, gang murders, and murders by individuals, presents few new problems to the censor and, such as these are, he can solve by recourse to general principles already stated. Common sense dictates that picturing the assassination of any person who might be taken for some public character should be forbidden. Practically all execution scenes should be merely suggested and not given because of their gruesomeness. In murder, the thing to be avoided is again suggestiveness, instruction, and gruesomeness. No one cares to see repeated stabbings or a body that has been mangled, and such portrayals are always eliminated. Near or prolonged views of murders are objectionable, as are also pictures of labels of poisons used in murders or suicides. Indeed, the use of poisons, knock-out drops, chloroform, sleeping potions, etc., is constantly challenged by the board. Just enough of murder scenes to make the exposition clear is permitted; all else is liable to be either suggestive, instructive, or gruesome and consequently to be eliminated or condemned. The producer who handles these subjects must needs employ caution, while keeping his story clear, to remain within the standards of the national board of censorship.

*43. The insignia of the national board.*—The insignia of the national board has been adopted as the official stamp of the films passed. It is copyrighted and registered in the United States Patent Office. Its unauthorized use is an infringement of the copyright law and will be prosecuted as such.

It should be borne in mind that the absence of this design on certain pictures does not indicate that such pictures have not been reviewed by the national board, for films are used repeatedly and their constant exhibition results in tearing off sections of the pictures at the end, so that the design soon disappears from old pictures. Again, in many theaters the operators do not run the films completely through their projection machines, and while the design may appear on the film, it does not show on the screen.

All producing companies are giving increased care to putting the insignia on their films. There is a constantly growing demand for this "guaranty" on the part of both public and exhibitors.

The national board passes upon all pictures produced by the leading American film producers and the product of foreign film makers regularly represented in America. Careful investigation shows that at least 95 per cent of the pictures produced are reviewed by the national board. The attention of the board's correspondents is directed to uncensored pictures which are listed on the official bulletin of the board as they may come to our notice from time to time. Such pictures can well command the attention of local officials or committees.

44. *The future of censorship.*—The board's standards are, of course, progressive and will change with the lapse of time; but they will develop along the lines above indicated, becoming more ideal as the motion-picture art emerges in America from its present condition as a new art. Moreover, the increased experience of the producers, the development of motion-picture artists, the classification of the theaters, the influence of more cultured audiences, and the popular adoption of motion pictures into education, all of which are even now in process, will in time bring about conditions so different from the present that censorship may perhaps not be necessary.

*Statistical statement, Jan. 1, 1914, to Jan. 1, 1915.*

1. Total number of reels inspected, including those inspected more than once	9, 496
2. Total number of reels first inspected	9, 157
3. Total number of subjects inspected, including those inspected more than once	5, 982
4. Total number of subjects first inspected	5, 770
5. Total number of feet of negative film inspected, including that inspected more than once	9, 596, 000
6. Number of reels condemned in toto in the form presented by the manufacturer	167
7. Number of subjects condemned in toto in the form presented by the manufacturer	79
8. Number of reels condemned in toto even after pictures have been remade by manufacturer	84
9. Number of subjects condemned in toto even after pictures have been remade by manufacturer	27
10. Number of subjects in which changes were made by the national board	522
11. Number of changes made by the national board	1, 197
12. Number of feet eliminated from sample copies afterwards approved	17, 955
NOTE.—Each change averaging an elimination of 15 feet.	
13. Total number of feet eliminated from sample copies, including those condemned in toto	101, 955
14. Cost to manufacturers of negative destroyed	\$152, 932. 50
NOTE.—Negative \$1.50 per foot.	
15. Cost to manufacturers of sample film destroyed	\$4, 078. 20
NOTE.—Sample film at 4 cents per foot.	
16. Sales value to manufacturers of film kept off the American market	\$356, 842. 50
NOTE.—Reckoned on basis of 35 copies of every subject condemned or feet eliminated, 1,000 feet of positive film selling for an average price of \$100.	
17. Total cost to manufacturers of negative, sample copies, and sales copies kept off the American market	\$518, 853. 20
18. Number of volunteer members on the original censoring committee of the national board	125
19. Number of meetings of the original censoring committee for 1914, divided into subcommittees of 4 to 12 members	1, 011
20. Number of volunteer members on the general committee of the national board	32
21. Number of meetings of the general committee for 1914	45

## PENNSYLVANIA STATE BOARD OF CENSORS OF MOTION PICTURES.

## RULES AND STANDARDS.

[Act passed May 15, 1915. P. L. 534.]

No. 239.

AN ACT Relating to motion-picture films, reels, or stereopticon views or slides; providing a system of examination, approval, and regulation thereof, and of the banners, posters, and other like advertising matter used in connection therewith; creating the board of censors; and providing penalties for the violation of this act.

## DEFINITIONS.

SECTION 1. *Be it enacted &c.*, That the word "film" used in this act means what is usually known as a motion-picture film.

The word "view" used in this act means what is usually known as a stereopticon view or slide.

The word "person" includes an association, copartnership, or a corporation.

## USE OF FILMS, REELS, OR VIEWS PROHIBITED.

SEC. 2. It shall be unlawful to sell, lease, lend, exhibit, or use any motion-picture film, reel, or view in Pennsylvania unless the said film, reel, or view has been submitted by the exchange, owner, or lessee of the film, reel, or view, and duly approved by the Pennsylvania State Board of Censors, hereinafter in this act called the board.

## BOARD OF CENSORS.

SEC. 3. The board shall consist of three residents and citizens of Pennsylvania, two males and one female, well qualified by education and experience to act as censors under this act. One male member of the board shall be chairman, the female member shall be vice chairman, and one male member shall be secretary. They shall be appointed by the governor for terms of three years. Those first appointed under this act shall be appointed for three years, two years, and one year, respectively; the respective terms to be designated by the governor.

SEC. 4. A vacancy in the membership of the board shall be filled for the unexpired term by the governor. A vacancy shall not impair the right and duty of the remaining members to perform all the functions of the board.

## SEAL.

SEC. 5. The board shall procure and use an official seal, which shall contain the words, "Pennsylvania State Board of Censors," together with such design engraved thereon as the board may prescribe.

## APPROVALS BY BOARD.

SEC. 6. The board shall examine or supervise the examinations of all films, reels, or views to be exhibited or used in Pennsylvania; and shall approve such films, reels, or views which are moral and proper; and shall disapprove such as are sacrilegious, obscene, indecent, or immoral, or such as tend, in the judgment of the board, to debase or corrupt morals. This section shall not apply to announcement or advertising slides.

## STAMPING FILMS, REELS, AND VIEWS.

SEC. 7. Upon each film, reel, or view which has been approved by the board there shall be furnished and stamped by the board the following certificate or statement

Approved by  
Pennsylvania State Board  
of Censors,

and shall also furnish a certificate in writing to the same effect, which certificate shall be exhibited to any member of the board or employee thereof upon demand of the holder thereof.

In the case of motion pictures such statement shall be shown on the screen, to the extent of approximately four feet of film.

In the case of slides or views each set shall have at least two slides or views shown with a similar statement.

#### RECORD OF EXAMINATIONS.

SEC. 8. The board shall keep a record of all examinations made by it of films, reels, or views; noting on the record all films, reels, or views which have been approved, and those which have not been approved, with the reason for such disapproval.

#### REPORT.

SEC. 9. The board shall report, in writing, annually to the governor, on or after the first day of November of each year. The report shall show:

1. A record of its meetings and a summary of its proceedings during the year immediately preceding the date of the report.
2. The results of all examinations of films, reels, or views.
3. A detailed statement of all prosecutions for violations of this act.
4. A detailed and itemized statement of all expenditures made by or on behalf of the board.
5. Such other information as the board may deem necessary or useful in explanation of the operations of the board.
6. Such other information as shall be requested by the Governor.

#### OATH AND BOND.

SEC. 10. The chairman, vice chairman, and secretary shall, before assuming the duties of their respective offices, take and subscribe the oath prescribed by the Constitution of Pennsylvania, and shall enter into bonds to the Commonwealth in the sum of three thousand dollars, two thousand five hundred dollars, and two thousand four hundred dollars, respectively, conditioned for the faithful performance of their duties.

#### SALARIES.

SEC. 11. The chairman shall receive an annual salary of three thousand dollars; the vice chairman, an annual salary of two thousand five hundred dollars; and the secretary, an annual salary of two thousand four hundred dollars. The salaries shall be payable monthly.

#### EXPENSES.

SEC. 12. Each member and employee of the board shall be allowed all expenses, of whatsoever nature, actually and necessarily incurred by him or her in carrying out the purposes of this act.

#### EMPLOYEES.

SEC. 13. The chairman shall appoint, with the approval of the governor, the following employees: One chief clerk, at a salary of eighteen hundred dollars; one assistant clerk, at a salary of fifteen hundred dollars; one assistant clerk, at a salary of twelve hundred dollars; two stenographers and typewriters, at salaries of one thousand dollars each; two stenographers and typewriters, at salaries of seven hundred and twenty dollars each; one chief inspector, at a salary of fifteen hundred dollars; three inspectors, at salaries of fourteen hundred dollars each; three inspectors, at salaries of twelve hundred dollars each; one operator, who shall be an electrician, at a salary of fourteen hundred dollars; two operators, at salaries of twelve hundred dollars each; one operator, at a salary of one thousand dollars; two messengers, at salaries of seven hundred and twenty dollars each; one assistant operator or patcher, at a salary of six hundred dollars; one assistant patcher, at a salary of four hundred and eighty dollars. The salaries provided for above shall be annual, and payable monthly.

In addition to the employees enumerated above, the chairman may, with the approval of the governor, appoint such additional employees as the work of the

board may necessarily require. The salaries of such additional employees shall not exceed, in the aggregate, the sum of five thousand dollars annually.

#### OFFICES.

SEC. 14. The board of commissioners of public grounds and buildings shall provide adequate offices for the board in Harrisburg, and in such other cities of the Commonwealth as the board may require in carrying out the intent and provisions of this act. Adequate projecting or inspecting rooms shall be provided in Philadelphia and maintained by the board.

#### SUPPLIES.

SEC. 15. Upon requisition of the board, the board of commissioners of public grounds and buildings shall furnish to the board all furniture, books, stationery, supplies, machines, and paraphernalia necessary in the work of the board.

#### PRINTING AND BINDING.

SEC. 16. The printing and binding necessary for the proper performance of the duties of the board, or the proper preservation of the records of the board, including the printing of two thousand copies of the annual report and the binding thereof, shall be done by the State printer, upon the order of the superintendent of public printing and binding, upon requisition of the board.

#### FEES.

SEC. 17. For the examination of each film, reel, or set of views of one thousand two hundred lineal feet or less, the board shall receive, in advance, a fee of one dollar, and one dollar for each duplicate or print thereof, which must be applied for at the same time and by the same person.

#### FEES AND FINES.

SEC. 18. All fees received by the board and all fines imposed for violation of this act shall be by the board paid into the State treasury.

SEC. 19. The money necessary to carry out the purpose of this act shall be appropriated by the general assembly to the board, biennially, as an item in the general appropriation bill.

#### REGULATIONS OF EXHIBITIONS.

SEC. 20. Any member or employee of the board may enter any place where films, reels, or views are exhibited; and such member or employee is hereby empowered and authorized to prevent the display or exhibition of any film, reel, or view which has not been duly approved by the board.

#### REGULATION OF BANNERS, POSTERS, AND ADVERTISING MATTER.

SEC. 21. No banner, poster, or other like advertising matter shall contain anything that is immoral or improper. A copy of such banner and poster shall be submitted to the board.

#### RULES.

SEC. 22. This act shall be enforced by the board. In carrying out and enforcing the purpose of this act it may adopt such reasonable rules as it may deem necessary. Such rules shall not be inconsistent with the laws of Pennsylvania.

SEC. 23. All disbursements of such nature as to make it impracticable for the board to file with the auditor general itemized receipts or vouchers prior to the advance by the accounting officers of funds sufficient to meet such expense shall be paid out of money specifically appropriated for that purpose in the manner provided by an act entitled "An act prescribing a method for disbursing and accounting for certain appropriations to the departments, bureaus, commissions, and other branches of the State government," approved April twenty-third, anno Domini one thousand nine hundred and nine.

## DUTIES OF PERSONS WHO SELL, LEASE, EXHIBIT, OR USE FILMS, REELS, OR VIEWS.

SEC. 24. Every person intending to sell, lease, exhibit, or use any film, reel, or view in Pennsylvania shall furnish the board, when the application for approval is made, a description of the film, reel, or view to be exhibited, sold, or leased, and the purposes thereof; and shall submit the film, reel, or view to the board for examination; and shall also furnish a statement or affidavit that the duplicate film, reel, or view is an exact copy of the original film, reel, or view, as submitted for examination to the board; and that all eliminations, changes, or rejections made or required by the board in the original film, reel, or view have been or will be made in the duplicate.

## INTERFERENCE WITH EMPLOYEES OF BOARD.

SEC. 25. It shall be unlawful for any person to hinder or interfere in any manner with any member or employee of the board while performing any duties in carrying out the intent or provisions of this act.

## EXAMINATION AND APPEAL.

SEC. 26. If any elimination or disapproval of a film, reel, or view is ordered by the board, the person submitting such film, reel, or view for examination will receive immediate notice of such elimination or disapproval, and if appealed from such film, reel, or view will be promptly reexamined in the presence of the such person by two or more members of the board, and the same finally approved or disapproved promptly after such reexamination, with the right of appeal from the decision of the board to the court of common pleas of the proper county.

## PENALTIES.

SEC. 27. Any person who violates any of the provisions of this act and is convicted thereof summarily before any alderman, magistrate, or justice of the peace shall be sentenced to pay a fine of not less than twenty-five dollars nor more than fifty dollars for the first offense. For any subsequent offense the fine shall be not less than fifty dollars nor more than one hundred dollars. In default of payment of a fine and costs the defendant shall be sentenced to imprisonment in the prison of the county where such offense was committed for not less than ten days and not more than thirty days. All fines shall be paid by the alderman, magistrate, or justice of the peace to the board, and by it paid into the State treasury.

SEC. 28. If any person shall fail to display or exhibit on the screen the approval seal, as issued by the board, of a film, reel, or view which has been approved, and is convicted summarily before any alderman, magistrate, or justice of the peace, he shall be sentenced to pay a fine of not less than five dollars and not more than ten dollars; in default of payment of a fine and costs the defendant shall be sentenced to imprisonment in the prison of the county where such offense was committed for not less than two days and not more than five days.

## LIMITATION OF SCOPE OF ACT.

SEC. 29. This act does not apply to any exhibition of or use of films, reels, or views for purely educational, charitable, fraternal, or religious purpose by any religious association, fraternal society, library, museum, public school, or private school, institution of learning, or by any corporation of the first class.

SEC. 30. The several sections and provisions of this act are hereby declared to be independent of each other; and it is the legislative intent that, if any of said sections or provisions are declared to be unconstitutional, such section or provision shall not affect any other portion of this act.

## REPEAL.

SEC. 31. The act approved the nineteenth day of June, one thousand nine hundred eleven, entitled "An act regulating the exhibiting or using of moving pictures and stereopticon views; providing for and regulating the examination

and approval of moving-picture films or reels and stereopticon views; and fixing penalties for the violation of this act," and all other acts or parts of acts inconsistent herewith, are hereby repealed.

Approved, the 15th day of May, A. D. 1915.

MARTIN G. BRUMBAUGH.

#### RULES AND REGULATIONS.

1. All persons submitting films, reels, or views for examination by the board, shall make application therefor on blanks provided by the board, with the signature of the applicant or a duly accredited representative of said applicant (see facsimile of application blank); and when duplicates or prints thereof are to be exhibited such application must be accompanied by a statement or an affidavit (1) as to the number of duplicates; (2) that the duplicates or prints are identical with the film, reel, or view to be examined by the board; (3) that any eliminations or rejections of the original have been or will be made in each of the duplicates or prints thereof.

2. Each application for examination, except for "current events," shall be filed with the board at Philadelphia at least one week before the date fixed for the release.

3. Each application shall be accompanied by a separate money order or certified check, drawn to the order of the State treasurer, covering the number of reels thereon at the rate of \$1 for each film or reel of 1,200 feet or less, or for each set, or series of views, and \$1 for each duplicate or print of each film, reel, or set, or series of views. One check for the amount due for a number of applications made at one time by the same person may be accepted.

4. The applicant shall furnish to the board the name of the producing or manufacturing company and when possible the names of the players, taking the leading parts, the number of extra or additional prints or duplicates and the description of the film, reel, or set of views, in addition to describing the scenes depicted and the purposes intended to be subserved or lesson (moral or otherwise) to be conveyed by such film, reel, or set or series of views.

5. All applications for films shall have the proper title inserted therein; applications marked "Title not reported" will not be accepted, and any substitution or change in the title thereof shall be made on or before the date of delivery of the reel, film, or set or series of views. Such changes then will be permitted only when the film, reel, or set or series of views is of similar length and of the same number of parts as the one substituted.

6. All films, reels, or views will be examined or passed upon by the board at the projection rooms selected by the board in the city of Philadelphia, and at such other place as may be fixed by the board from time to time, provided satisfactory arrangements are made by the applicant as to time and place for examination elsewhere.

7. Each film or reel (original or duplicate) shall have approximately 4 feet of film upon which shall appear first the seal of the State, followed by the words:

Approved by  
Pennsylvania State Board of  
Censors,

with the certificate number of approval of the board (see facsimile of the official stamp of approval), which stamp of approval shall follow the title of such film or reel, and whenever exhibited such stamp of approval shall be shown on the screen to the extent of approximately 4 feet of film (except multiple reels, covering one subject, when the stamp of approval shall follow the title of such film or reel and have a similar stamp of approval at the end or tail of such multiple reels), and each set or series of views shall have at least one slide or view with a similar indorsement, which official stamp of approval will be attached to the film, reel, or set or series of views when approved by the board.

8. Films, reels, or views will be examined by the board at the projection rooms in the order that the applications are received, and in the order that the films, reels, or views are delivered to the board for examination.

9. Films, reels, or views which have been submitted for examination for which application has been made in accordance with the rules of the board

shall be delivered at the projection rooms of the board at least three days (Sundays and holidays not considered as a day) prior to the release date, and will be examined by the board within 48 hours after the delivery (or sooner if possible) and returned the day following the examination (or the same day if possible), provided the original receipt given at the time of the delivery of the film, reel, or view is surrendered by the applicant receiving the same.

10. All films, reels, or views to be examined shall be delivered to the board by messenger, and shall be well wrapped in approved metal cases.

11. All films, reels, or views to be examined must be delivered to the board in proper and fit condition to place upon the machines for projection purposes.

12. All banners, posters, or other like advertising matter used in connection with the display of the film, reel, or view, upon the request of the board must be submitted at the time the film, reel, or set or series of views is delivered.

13. If an elimination or rejection of any film, reel, or view is ordered, the applicant will receive prompt notice of such elimination or rejection, and if not agreed to by the applicant, such reel, film, or view (upon request in writing within 10 days) will be reexamined in the presence of the applicant or a duly accredited representative by at least two members of the board, and final action taken by the board thereon as promptly thereafter as possible.

14. Any number of transfers of the same film, reel, or view, or set or series of views may be made, provided always that written certificate of approval as issued by the board is actually delivered to the transferee, which certificate shall be readily accessible to any member or employee of the board upon demand of the holder thereof.

15. All persons (exhibitors, operators, etc.), upon request, shall be shown the written certificate of approval as issued by the board by the holder thereof at the time the film, reel, or set or series of views is delivered to them.

16. Any film, reel, or view delivered to the board for purposes of examination will not be redelivered to the applicant until the examination thereof has been made and final action taken by the board, and if so redelivered, upon request, will lose its place or turn upon the examination list.

17. The approval seal as issued by the board must be detached from the film, reel, or view if exhibited outside the State unless the changes, alterations, or eliminations, if ordered, have been made in the film to be exhibited outside of the State.

18. No certificate of a film, reel, or view will be issued until the eliminations or cut-outs as ordered by the board from such film, reel, or view are made, and until such eliminations or cut-outs of the film, reel, or view as submitted to the board are delivered to and retained by the board for the purpose of making comparison with the eliminations or cut-outs from the duplicate or print of such film, reel, or view, which eliminations or cuts of the duplicate or print will be returned to the applicant after such comparison is made.

19. If an approval seal, as issued by the board for a film, reel, or view, has been lost or is unfit for use, a substitution thereof may be furnished by the board in lieu of the original approval seal, if the application is made by the same owner, exchange, or lessee, setting forth the title of the film, reel, or view, the name of the manufacturer, the name of the exchange, the State number, the number of parts, how many duplicates were applied for at the time the original application was filed, the date when the film, reel, or view was originally released; and when said application is received and acted upon favorably by the board the substituted seal of approval will be issued upon payment of the sum of 25 cents by the applicant (if such applications are made in reasonable quantities).

20. A reprint of any film, reel, or view to be used in substitution of a film, reel, or view which has become unfit for use and is out of service (not on the shelves), and which film, reel, or view had been approved by the board, may be exhibited in lieu of the original film, reel, or view if an application is made by the same owner, exchange, or lessee setting forth the title of the film, reel, or view, the name of the manufacturer, the name of the exchange, the State number, the number of parts, how many duplicates were applied for at the time the original application was filed, the date when the film was originally released, and when said application for substitution is acted upon favorably by the board a new written certificate will be issued as well as a proper approval seal by the board upon payment of the sum of 25 cents by the applicant (if such applications are made in reasonable quantities) and when the original written

certificate of approval and the seal as used on the old film, reel, or view are delivered to the board.

21. Any member or employee of the board may visit any place where films, reels, or views are exhibited and must not be interfered with in the performance of his duties.

22. All complaints as to the fitness of films, reels, or set or series of views now exhibited or hereafter to be exhibited shall be in writing, signed by the person making the complaint with his or her occupation and address, title of the film, reel, or view, and the place where last shown.

23. Any religious association, fraternal society, library, museum, public or private school, or institution of learning, or corporation of the first class desiring to exhibit or use any films, reels, or views for purely educational, charitable, fraternal, or religious purposes shall make application therefor on blanks provided by the board with the signature of the applicant or a duly accredited representative. Such application need not be accompanied by a fee.

24. Any manufacturing company or film exchange may have sufficient space in the projection rooms of the board for a safe of the approved type in which all films, reels, or views of the said company may be kept prior to examination.

25. Each member of the board and the employees thereof will be provided with suitable badges or credentials which must be shown by the holder thereof to the proprietor or manager of the place where films, reels, or views are exhibited or used.

#### STANDARDS ADOPTED BY THE BOARD.

##### GENERAL OBJECTS OF CENSORSHIP.

1. The board will endeavor to establish standards on progressive lines and will attempt to keep motion pictures attuned to public opinion, and not necessarily in harmony with productions of the stage or newspapers, but rather to restrict the motion pictures to such as promise to afford clean, wholesome entertainment or amusement, and will aim to eliminate everything which shall tend to debase morals or inflame the mind to improper adventures or to establish false standards of conduct.

##### SACRILEGE AND ALLIED SUBJECTS.

2. The feeling of reverence for certain things or forces counted sacred is deep-seated and it should be carefully respected. Death and other depressing scenes unduly emphasized may be objectionable. Growsome subjects in general should be avoided.

##### BARROOM SCENES, DRINKING, AND DRUNKENNESS.

3. These have a legitimate place in the motion-picture drama. Objection to them may be found in the large proportion which they may bear to all other scenes. If a photoplay requires such scenes to give it realism and color, and if these scenes are not of undue length and are used with discretion, they may be approved.

##### PROLONGED PASSIONATE LOVE SCENES.

4. If love scenes are treated truthfully, sympathetically, and artistically in plays no objection will be made to their being shown; provided that they be plays no objection will be made to their being shown; provided that they be not lengthened or otherwise cheapened to the extent of losing their significance.

##### COSTUMING, FLESHINGS, AND INSUFFICIENT CLOTHING.

9. Frank exposure of the person may be less objectionable than partial exposure. To adolescent, as well as adult minds of arrested development, this may awaken the imagination and become suggestive of immorality and indecency. Disrobing and bedroom scenes should be avoided as much as possible. The dress of comedy characters must also comply with existing standards of propriety and must not be used for purposes of suggestion. In such matters the board will lean toward the conservative side.

## INFIDELITY AND SEX PROBLEM PLAYS.

6. Plays which make light of or cast discredit on the marriage vow may lead to dangerous results. This is not considered by the board a legitimate subject for motion pictures. The board will insist that problems of sex shall be treated with seriousness and reserve.

## SECTS.

7. Plays which hold up to ridicule any sect (religious or otherwise) will not be approved.

## COMEDIES,

8. Slap-stick comedies if produced must be free from suggestiveness or vulgarity. Plays which indicate loose morals must be avoided.

## WOMEN DRINKING AND SMOKING.

9. The board disapproves of showing a good woman doing that which would be considered a bad thing in the society of which she forms a part. The place the incident occupies in the picture and the final total effect will be the determining factors in the judgment of the subject by the board.

## UNDERWORLD SCENES, OPIUM DENNS, OBJECTIONABLE DANCES, FLIRTATIONS, QUESTIONABLE RESORTS, ETC.

10. The board may condemn these, and will require when scenes of this kind are produced that it be in such manner that no one may be stimulated by the example to similar adventure or conduct. When the portrayal of scenes of this type is necessary to the development of a story the board will require that it be truthful and complete and that it be given no false glamor with the effect of leading anyone to misapprehend their true character, but rather know the essential sordidness and shallowness, discontent and commercialism on which these scenes rest. Producers are cautioned against attempting such scenes in pictures, which of necessity are shown to both adults and children. If such scenes are introduced they should be made as far as possible unintelligible to children,

## USE AND EFFECT OF HABIT-FORMING DRUGS.

11. This is not considered by the board a legitimate subject for motion pictures. When the whole story runs along this line it will be condemned and scenes of a like character in films will be eliminated.

## DEEDS OF VIOLENCE.

12. The board will require that violence be not degrading and the constant and undue use of weapons such as guns, revolvers, knives, clubs, etc., tending to a debasement of morals will be discouraged.

## TREATMENT OF OFFICERS OF THE LAW, AND RESPECT THEREFOR.

13. The board will require respect for the law in the action as well as the spirit of pictures, and the work should be approached in a spirit of seriousness more than amusement or entertainment.

## CRIME.

14. The board will not object to crime as such, but it will object to the display of crime being objective, instructive, and gruesome. It will insist upon a sane balancing of the picture as a whole so that the final effect will be good or in any event harmless.

## CRIMES OF VIOLENCE AGAINST PROPERTY AND PERSONS.

15. Suggestive, instructive, and ingenious criminal methods should not be exploited, nor should there be introduced in films attempts at burning or wrecking; or torture scenes or suicide (unless the same is necessary to the logical course of the play); or murder or assassination or hanging or other execution. The exhibition of the methods of using poison, drugs, "knock-out drops," sleeping portions, hypodermic needles, etc., is prohibited. Reproductions on films of the names on labels of poisons or drugs used in committing murder or suicide must not be made. This rule will be strictly enforced.

## VULGARITY IN PICTURES.

16. Obscenity, immorality, or indecency in a picture are prohibited. Actions by the characters of a suggestive nature will be eliminated.

## SUGGESTIVE AND VULGAR SCENES.

17. Manufacturers and producers are cautioned against showing the following scenes of a debasing and corrupting character:

- (a) The rough treatment of persons by kicking, the use of pins, clubs, etc.
- (b) Suggestive rolling on women in slap-stick and other farces and comedies.
- (c) Prolonged bedroom scenes in nightdress.
- (d) Drunken foolishness as a sustained theme running through a comedy.
- (e) Excessive and suggestive wriggling of the body, whether of a man or a woman.
- (f) Loose clothing not properly fastened or ready to fall.
- (g) Making comedy of a woman's form and her clothing.
- (h) Taking hold of a woman's limbs in a suggestive manner.
- (i) Men looking lustfully at a woman's form in a way to attract attention.
- (j) Spitting in another's face.
- (k) Persons of the opposite sex, though they be man and wife, lying in bed together.
- (l) Suggestive actions, while a woman sits on the lap of a man or vice versa, or similar conduct.

## BANNERS, POSTERS, ETC.

18. The board will not approve any banners, posters, or other like advertising matter concerning motion pictures which contains anything that is immoral or improper.

[Facsimile of application properly filled out. (Typewriter to be used.)]

## PENNSYLVANIA STATE BOARD OF CENSORS.

No. \_\_\_\_\_

Date, SEPTEMBER 1, 1915.

## APPLICATION FOR EXAMINATION.

Projection room, northwest corner Eighteenth and Filbert Streets, Philadelphia.

All checks must be certified and made payable to State Treasurer of Pennsylvania.

Mail all checks and applications to Projection Rooms one week before release date.

Title.	The eyes of genius.				
Manufacturer.	Domvich Film Co.	Length.	4,000 feet.	Extra num- of dupli- cates or prints.	See below.
Exchange.	Popular Film Co.	Parts.	4		
Description.	Seward, a sculptor, finding his eyesight failing, leaves his model, Lucile (who is in love with him), for the country, where the gypsy Magda poses for him. He becomes blind after the work is completed, and is attended by Lucile. Magda with her gypsy friends try to steal the famous statue, but are thwarted by Lucile, who realizes once more that she has regained Seward's love, when he destroys the statue of Magda.				
Style (comedy, drama, &c.).	Drama.	Date manufactured.		(If known.)	
		Date to be released.		September 10, 1915.	
Lesson or moral to be taught.	The love everlasting.				
Names of lead- ing charac- ters.	Male: John Andrews. Arthur Brown.		Female: Ida May. Sarah Winters.		

It is agreed that the duplicates applied for are exact copies of the original film as submitted for examination, and that all eliminations or changes required by the board in the original have been or will be made in the duplicates before released in Pennsylvania.

Signed, POPULAR FILM CO.,  
JOHN SMITH, *Manager*.

The above to be filled in by applicant. Below to be filled in by the board.

Date application received by board.		Date and place exam- ined.	
Date of approval or disapproval.		Examined by.	
Eliminations.			
Comments.			

<sup>1</sup> If no additional sets are desired mark "none." If any additional sets are to be shown in Pennsylvania mark number desired.

## STATEMENTS SUBMITTED BY HON. W. H. CARTER, A MEMBER OF CONGRESS FROM THE STATE OF MASSACHUSETTS.

JANUARY 24, 1916.

MR. CHAIRMAN AND MEMBERS OF THE HOUSE COMMITTEE ON EDUCATION: I am heartily opposed to the Hughes censorship bill for motion pictures and trust that your committee will not pass the bill.

The ideal of the American people has always been for free speech, free press, and a free stage. One of the most sacred guaranties of the Constitution has always been the freedom of expression.

I believe that if this bill becomes a law that it will only be the end of democracy in this country.

There already has been many attempts made to legalize motion-picture censorship, but in nearly every case have their attempts failed.

We already have sufficient laws on our statute books to prohibit obscene and indecent pictures. I believe that the police court judges of my district are fully capable of taking care of this situation.

I do not object to Representative Towner's bill to add a section to the penal code, providing for a penalty to transport in interstate obscene or indecent motion-picture films. In fact, I am strongly in favor of the bill, and trust that it will pass.

In many instances there have been put on boards to censor motion pictures persons who have had only a limited education, so far as the world at large goes, and were not competent to act on motion pictures.

Motion-picture producers themselves realize that nothing pays so well as wholesome and clean pictures.

A great many of the churches in my district are now using motion pictures for the lessons which they teach. I do not believe that these church lessons displayed on motion-picture films should be subjected to a Government board of censors.

If a man writes a book or a minister preaches a sermon he is not required to submit the proof of his book or his sermon to a board of censors. If he converts the same idea to a photoplay and keeps within the bounds of decency, as provided for by the common law, then no board of censors should be allowed to interfere with this work.

We do not, and I pray God that we never will, have to show the proofs of our newspapers to a board of censors to pass on before a paper is published.

So long as the majority of the motion-picture producers of this country continue to conduct their business without giving offense, there is no excuse for subjecting them to any censorship board.

What this Congress should do is to help business and not to hinder it, and I believe that it is the duty of the members of your board to vote against this bill and to lend your support to the bill which has been introduced by Mr. Towner.

WILLIAM H. CARTER.

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HOUSE OF REPRESENTATIVES,  
Washington, D. C.

MR. CHAIRMAN AND MEMBERS OF THE COMMITTEE ON EDUCATION: I would like to submit for your consideration the following editorial which appeared in the Boston Herald of January 25:

NO CENSORSHIP OF FILMS.

"Congress has been asked to appoint a Federal motion-picture commission that must approve or condemn every film in advance of public exhibition. So far as this request indicates a wish to keep our countless picture screens clean and wholesome it deserves praise; but in trying to lodge the safeguards in a formal censorship, this effort, however well meant, is surprisingly ill-advised.

"Such a commission with all its regulations and machinery would needlessly embarrass the production of films, whether for photo-play or for news illustration. Even an ineffective maintenance would take much money, either from the taxpayer or the picture maker, and unless backed with corps after corps of inspectors and detectives, the commission could not accomplish its purpose. The censorship would not only be costly and irritating in practice, it would be essentially wrong in principle. A board of Federal officers, permitting or forbidding films, would bring to Americans for the first time just that kind of misplaced control that England, after thorough trial, abolished more than 200 years ago. It would start us at this late day on a policy that little Denmark had tested and discarded before the battle of Bunker Hill. Every argument for the preexhibition censoring of films would have equal weight for the pre-publication censoring of operas and plays, magazines, and books.

Perhaps the urgers of this old-time method have been overlooking our better means of protecting morals against evil in all kinds of public exhibitions. Few proprietors of picture houses will purposely give offense; for such the local licensing boards, not to mention the patrons themselves, have already ample power. In any case, the censorship of films, like that of the printed page, is not a proper task for a Federal commission; the right and the duty of this judgment belong directly to the public and to its local police."

WILLIAM H. CARTER.

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